Chariot of Wisdom and Love, - Extra.

Public Laws of the State of Maine. Passed by the Forty-fourth Legislature, A.D. 1865.

AN ACT to further continue in force the provisions of chapter seventy-one of the laws of eighteen hundred and sixty-two, concerning specie payments.

SECT. 1. Chapter seventy-one of the laws of eighteen hundred and sixty-two, entitled "An Act to suspend certain provisions in chapter forty-seven of the Revised Statutes concerning banks," is hereby further continued in force until the fifteenth day of January eighteen hundred and sixty-six; *Provided* said banking corporations shall upon demand, after the first day of May eighteen hundred and sixty-five, pay or tender payment of their bills, checks or drafts in lawful money of the United States.

SECT. 2. This act shall be in force from and after its approval by the governor. [Approved January 14, 1865.]

AN ACT to amend chapter one hundred and sixty of the public laws of eighteen hundred and sixty-three, entitled "An act to fix the compensation of jailers for the board of prisoners."

SECT. 1. Section one of said chapter is hereby amended by striking out the word "two," and substituting the word *three*, so that the section as amended shall read:

The jailers' fees in the different counties of the state for the entire support of each prisoner of every description committed to his custody, shall be such sum, not exceeding the rate of three dollars a week, as the county commissioners shall determine to be reasonable.

SECT. 2. This act shall take effect when approved by the governor. [Approved January 21, 1865.]

AN ACT to amend an act entitled "An Act to authorize the surrender of the charters of existing banks in this state, and to remit a portion of the bank tax," approved March twenty-sixth, eighteen hundred and sixty-three

SECT. 1. The second section of said act shall be amended so as to read as follows: Any bank in this state is hereby authorized by a vote of the owners of a majority of its stock, at any meeting of the same, duly called, to surrender its charter, and any banking company so surrendering its charter shall continue in its corporate capacity for the term of two years from the time of filing notice with the secretary of state of the vote to surrender its charter, which notice shall be in writing, certified by the clerk of the corporation, and filed with the secretary of state within thirty days from the passage of the vote; and for such term of two years, such banking company shall retain all the powers necessary for collecting debts due the corporation, for selling and conveying its property or for finally closing its concerns.

SECT. 2. This act shall take effect when approved by the governor. [Approved January 21, 1865.]

AN ACT to abolish the February term of the supreme judicial court for the county of Knox, and to change the time of holding the April term of said court for said county.

SECTION 1. The February term of the supreme judicial court for the county of Knox is hereby abolished.

SECT. 2. The supreme judicial court for said county shall hereafter be holden on the *first* Tuesday of April, annually, instead of the third Tuesday of April, as is now provided by law.

SECT. 3. All writs, petitions, orders, decrees, certificates, reports, warrants, complaints, appeals, indictments, and all matters and processes of every kind, civil and criminal, commenced for, pending in, or returnable to said court, and which would, but for the provisions of this act, have day at the term of said court to be held on the second Tuesday of February of the present year, as by law provided, shall be returnable to, and have day at the term of said court to be held on the first Tuesday of April of the current year.

SECT. 4. All writs, petitions, orders, decrees, certificates, reports, warrants, complaints, appeals, indictments, and all matters and processes of every kind, civil and criminal, commenced for, pending in, or returnable to said court, and which would, but for the provisions of this act, have day at the term of said court to be held on the third Tuesday of April of the present year, as by law provided, shall be returnable to and have day at the term of said court to be held on the first Tuesday of April of the current year.

SECT. 5. This act shall take effect when approved. [Approved January 26, 1865.]

AN ACT to create and establish a sinking fund.

SECT. 1. There shall be raised by taxation each year, commencing with the year eighteen hundred and sixty-five, a sum equal to three-fourths of one mill on every dollar of the present state valuation, to be assessed and collected at the same time and in the same manner as the annual state tax shall be assessed and collected, and in addition thereto; and the sum so raised is hereby pledged and shall be held as a sinking fund, to be invested as hereinafter provided, and applied for the payment of the principal of the bonds of this state, issued by the authority of the several resolves, approved January thirty-one, eighteen hundred sixty-three, March twenty-six, eighteen hundred sixty-three, March nineteen, eighteen hundred sixty-four, and that may be authorized for procuring a state loan, the present year.

SECT. 2. The state treasurer, with the advice of the governor, shall from time to time, as the said tax shall be received into the treasury, invest the same, as well as the income of said fund, as it may accrue, in any of the bonds of this state, or of the registered bonds of the United States; and the proceeds of such investments, as they may fall due and be paid into the treasury, shall be reinvested in like manner and be held by the said treasurer for the purpose mentioned in the first section of this act.

SECT. 3. The treasurer shall keep a register of all the investments made by him under the preceding section, show ing the date, amount and number of each bond, by whom issued, and the time when it will mature, and he shall cause to be stamped or printed in large type upon the face of any bonds of this state he may have purchased, and likewise across the series of coupons attached thereto, the words, Sinking Fund of the State of Maine, but so as not to obscure the text of either bond or coupons; and in his annual report to the legislature of the transactions of his department, he shall include an exhibit of the amount and condition of said sinking fund.

SECT. 4. On the approach of the maturity of any of the bonds for the payment of which the said sinking fund is hereby pledged, the said treasurer, with the approval of the governor, shall sell or dispose of such portion of the bonds belonging to the said fund as may be necessary to meet the bonds as they mature, and shall apply the proceeds thereof to their payment, as contemplated in this act.

SECT. 5. This act shall take effect from the date of its approval. [Approved January 23, 1865.]

AN ACT to amend section one of chapter ninety-one of the revised statutes relating to mortgages of personal property.

Section one of chapter ninety-one of the revised statutes relating to mortgages of personal property, shall be and hereby is amended so as to read as follows, viz: No mortgage hereafter made of personal property, to secure payment of more than thirty dollars, shall be valid against any other person than the parties thereto, unless possession of such property is delivered to and retained by the mortgagee, or the mortgage is recorded by the clerk of the town, plantation, or plantation organized for election purposes only, in which the mortgager resides. When a corporation makes a mortgage, it shall be recorded in the town where it has its established place of business. When the mortgager resides in an unincorporated place, other than a plantation organized for election purposes, the mortgage shall be recorded in the oldest adjoining town, plantation, or plantation organized for election purposes only, in the county. [Approved February 4, 1865.]

AN ACT to amend chapter thirty-two of the public laws of eighteen hundred and sixty-one, entitled "An Act to restrict the jurisdiction of justices of the peace to trial justices."

SECT. 1. The second section of the thirty-second chapter of the public laws of eighteen hundred and sixty-one is amended so as to read as follows

SECT. 2. Trial justices shall be subject to all the provisions of section seven of chapter one hundred and thirty-six of the revised statutes, and for any neglect thereof shall suffer the penalties therein set forth; and it shall be the duty of trial justices to keep a true and correct docket of all examinations and trials had before them of persons accused of crime, offences or misdemeanors, setting forth therein a true account of all fines and forfeitures by them imposed, or received upon convictions and sentences; and once in a year to deliver or transmit to the county commissioners of the county in which the trial justice resides, at one of the regular sessions of said commissioners, such docket, or a copy thereof, accompanied by their affidavit, that they have faithfully complied with the requirements of said seventh section; and it shall be the duty of said commissioners to examine said dockets or copies; and in any case where they deem it expedient they may summon any trial justice to appear before them with his original docket and records, giving him not less than ten days notice by personal service, or by leaving at his last and usual place of abode before the time fixed for his appearance; and when any trial justice shall appear in obedience to such summons, he may be examined on oath relative to his official conduct; and when it is found upon such examination, that he has faithfully observed the requirements of law, he shall be allowed reasonable compensation for his travel and expense, to be paid from the county treasury; when any trial justice so summoned shall refuse and neglect to obey the summons, the commissioners may issue a capias, and have him brought with his papers before them; and if he fail to show reasonable cause for his neglect, he shall be held to pay the expenses of bringing him before the commissioners, and they may issue a warrant of distress for the collection of the same.

SECT. 2. Section three of said chapter is hereby repealed. [Approved February 4, 1865.]

AN ACT to prevent the defacing of private property and natural objects by advertisements.

SECT. 1. All persons are hereby prohibited from advertising their wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects, without the previous consent of the owner, or if in the highway or any other public place, without the permission of the mayor of cities, selectmen of towns, or assessors of plantations.

SECT. 2. Any person violating the provisions of this act, shall be punished by a fine of ten dollars for each offence, to be recovered on complaint, one-half of which shall be for the use of the prosecutor, and one-half for the use of the town in which the offence is committed.

SECT. 3. This act shall take effect on its approval by the governor. [Approved February 4, 1865.]

AN ACT to ratify an amendment to the Constitution of the United States, proposed to the legislatures of the several States, by a resolution of congress approved on the first day of February, in the year of our Lord one thousand eight hundred and sixty-five.

Whereas, At the second session of the thirty-eighth congress of the United States of America, held at Washington, in the District of Columbia, on the first day of February aforesaid, it was resolved as follows, viz:

Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) that the following article be proposed to the legislatures of the several states as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid to all intents and purposes as a part of the said constitution, namely

ART. XIII.—SECT. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

Be it therefore enacted by the Senate and House of Representatives of the State of Maine in Legislature assembled, as follows:

SECT. 1. That the said proposed amendment be, and the same is hereby ratified on behalf of the State of Maine.

SECT. 2. This act shall take effect on its approval by the governor. [Approved February 7, 1865.]

AN ACT to amend chapter two hundred and fifty-one, section one, of the public laws of the year eighteen hundred and sixty-four, relating to poll taxes

SECT. 1. Section one of chapter two hundred and fifty-one of the public laws of the year one thousand eight hundred and sixty-four, is hereby amended by striking out the word "two" in the last line of said section, and inserting in its place the word *three*, so that the provision in this section as amended shall read as follows, viz: one sixth part as nearly as may be of the whole sum to be raised: but the whole poll tax assessed in one year upon an individual, for town, county and state purposes, except highway taxes, separately assessed, shall not exceed three dollars.

SECT. 2. This act shall take effect when approved. [Approved February 8, 1865.]

AN ACT to amend chapter two hundred and sixty-four of the public laws of the year one thousand eight hundred and sixty-four, entitled "An Act requiring the Secretary of State to furnish the clerks of courts in the several counties a list of all persons commissioned and qualified as justices of the peace and quorum, trial justices and notaries public."

SECT 1. Section one of chapter two hundred and sixty-four of the public laws of the year one thousand eight hundred and sixty-four, is hereby amended by inserting after the word "counties" in the second line, the words, *and to the clerks of the United States courts in this State*, so that the first sentence of said section as amended, will read as follows:

SECT. 1. The secretary of state shall, on or before the first day of June next, forward to the clerks of courts in the several counties, and to the clerks of the United States courts in this State, a list of all justices of the peace, justices of the peace and quorum, trial justices and notaries public, in this state, whose commissions shall then be in force, and the evidence of whose qualifications has been filed in his office. [Approved February 11, 1865.]

AN ACT giving further remedies against executors and administrators.

SECT. 1. In all cases which have arisen, or may hereafter arise under the act approved April fourth, in the year of our Lord one thousand eight hundred and fifty-nine, authorizing judges of probate to appoint commissioners in certain cases, if a report has been or shall be made in favor of the claimant, and the amount awarded him remains unpaid for more than thirty days after the return of the report to the judge of probate, and no appeal has been taken, the claimant may file in the clerk's office of the supreme judicial court for the same county, a certified copy of the report, and apply in writing to any judge of the court for an order to the clerk to issue an execution upon such report in favor of the claimant.

Such judge may, in his discretion, require notice to be given of a summary hearing upon such application, and shall thereupon give an order for such execution, if no sufficient cause is shown to the contrary; or he may give such order without a hearing.

The application shall be entered by the clerk on the docket of the court, if in session; otherwise on the docket of the preceding term

The fees of the clerk, to be paid by the claimant, shall be three dollars, and the claimant shall recover travel and attendance, and the expense of copies and services as in suits at law.

The execution shall be for the amount of the report, with interest from the date of its return to the judge of probate, together with such costs, if any, as may have been adjudged in the probate court, and the fees and costs provided by this act.

SECT. 2. This act shall take effect on its approval by the governor. [Approved February 11, 1865.]

AN ACT to establish the salaries of the Judge of Probate and Register of Probate for the county of Piscataquis.

SECT. 1. The salaries of the judge of probate and register of probate for the county of Piscataquis, shall be as follows: instead of the salaries now fixed by law, the judge shall be entitled to receive two hundred dollars per year; the register shall be entitled to receive two hundred and seventy-five dollars per year; payable quarterly as heretofore.

SECT. 2. All provisions of law inconsistent with this act are hereby repealed.

SECT. 3. This act shall be in force when approved by the governor. [Approved February 11, 1865.]

AN ACT to amend section twenty-seven of chapter fifty-nine of the Revised Statutes in relation to the adoption of children.

SECT. 1. That instead of the consent of each parent of the child sought to be adopted, as required in chapter fifty-nine, section twenty-seven of the revised statutes, the written consent of the parent entitled to the custody of such child shall be sufficient, when the parents are or shall be separated from each other, from the bonds of matrimony, or from bed and board.

SECT. 2. This act shall take effect when approved by the governor. [Approved February 15, 1865.]

AN ACT to amend chapter forty-four of the revised statutes relative to hawkers and pedlers.

The second section of the forty-fourth chapter of the Revised Statutes is hereby amended so as to read as follows, viz:

SECT. 2. The county commissioners, in their counties, may license, for the purposes aforesaid, any person applying, who proves to their satisfaction that he sustains a good moral character; has been five years a citizen of the United States, and the year next preceding his application, a resident of this State, and such licenses shall expire in one year from their date: shall not be transferred or assigned without the consent of the board granting the same, and shall not be valid in any other county than that in which it was granted, and the applicants shall pay therefor to the county for which each license is granted, if they travel on foot, or in any boat or water craft, ten dollars; with a carriage drawn by one animal, fifteen dollars; and drawn by two animals, twenty dollars; and shall present to the commissioners, with their application, a certificate of good moral character from the municipal officers of the town where they reside, which shall be attached to their license. [Approved February 15, 1865.]

AN ACT additional to chapter thirty-four of the revised statutes relating to auctions and auctioneers.

SECT. 1. The aldermen of any city, and the selectmen of any town may license any person or persons to be auctioneers for one year, in such city or town, and may exempt them from any liability to deduct two and one-half per cent. from the gross amount of sales for the use of the city or town where the sale is made, when the goods sold by such auctioneers belong to or are sold for the benefit of parties residing out of the State.

SECT. 2. All acts and parts of acts inconsistent with this act, are hereby repealed. [Approved February 15, 1865.]

AN ACT to make valid the acts and doings of cities, towns, and plantations, in voting and making provision for the payment of bounties to volunteers, drafted men, and substitutes of drafted and enrolled men, and for other purposes.

SECT. 1. The past acts and doings of cities, towns, and plantations in offering, paying, agreeing to pay, and in raising and providing the means to pay bounties to, and all notes and town orders given by the municipal officers of any city, town, or plantation in pursuance of a vote [illegible] of drafted or enrolled men, who have been or shall hereafter be actually mustered into the military or naval service of the United States, are hereby made valid.

SECT. 2. All contracts heretofore made by the municipal officers of any city, town, or plantation, that has voted to raise bounties, with any volunteer, drafted man, or substitute, for the payment of the bounty thus voted, and all contracts heretofore made by said officers or their duly authorized agents, with third persons, corporations, or associations, for the purpose of raising means to pay such bounties so voted, are hereby made valid.

SECT. 3. All contracts heretofore made by such municipal officers or by third persons, in behalf of any city, town, or plantation, but without previous authority therefor, to pay bounties to such volunteers, drafted men, or substitutes, or to raise money to pay such bounties where such volunteers, drafted men or substitutes have been or hereafter shall be actually mustered into the military or naval service of the United States, may be ratified or confirmed by said city, town, or plantation.

SECT. 4. All votes of cities, towns, or plantations to pay expenses of recruiting for their several quotas, and all contracts heretofore made in pursuance of such votes, are hereby made valid.

SECT. 5. All taxes that have been assessed to raise funds to pay bounties or to fulfil contracts for the objects named in this act, are hereby made valid.

SECT. 6. Authority is hereby conferred upon cities, towns, and plantations to offer, pay, or agree to pay bounties to volunteers, drafted men, or substitutes required to fill their quotas, under any call for soldiers by the president or government of the United States heretofore made where such volunteers, drafted men, or substitutes have been or shall hereafter be actually mustered into the military or naval service of the United States, and to assume and pay to persons or associations, where they have advanced the bounty, or have by private subscription given a bounty, to such volunteer, drafted man or substitute; *provided*, that "no town, city, or plantation is authorized by the provisions of this act to hereafter offer, pay, or agree to pay as bounty for any volunteer, drafted man, or substitute, a sum exceeding three hundred dollars for the first year the person so enlisted or drafted shall be mustered for, and one hundred dollars for each additional year; *and provided further* that—" no bounty shall be paid from the treasury of the State to any person enlisted or drafted and mustered into the service of the United States prior to the second day of February, eighteen hundred and sixty-four, except upon his subsequent re-enlistment and muster into such service; "nor shall any bounty be paid by any city, town, or plantation for the assignment to such city, town, or plantation of any person heretofore enlisted or drafted and mustered into the service of the United States, except on subsequent re-enlistment, where such enlisted or drafted man has been or may be credited to the State without the payment of such bounty"; *and provided further*, that nothing in this act shall authorize the municipal officers of any city, town, or plantation to pay any man more than shall have been actually paid for his substitute.

SECT. 7. Any city, town or plantation having voted, or that shall so vote, may fund the debt incurred in raising means to pay the bounties and expenses authorized by this act or any prior act of the legislature, and may issue bonds therefor, with coupons attached, for interest at a rate not exceeding six per cent. per annum payable semi-annually, said bonds redeemable any time within twenty years from the date of their issue; such bonds to be signed by the mayor and treasurer of cities; the treasurer and selectmen or major part thereof of towns; the treasurer and assessors or major part therof of plantations. The treasurer's signature only to the coupons shall be required.

SECT. 8. The treasurers of the several cities and towns of this State shall, on or before the first day of November next, return to the governor and council a statement of the financial condition of their respective cities and towns, as it exists on the first day of October next, which return shall exhibit the aggregate indebtedness, the years when, and the purposes for which it was created, the rates of interest paid, and the time when it falls due together with an estimate of

the real and personal property owned by said city or town; and the governor and council shall examine such returns, and report the same or an abstract thereof to the next session of the legislature.

SECT. 9. Nothing in this act shall be construed as making valid so much of any contract herein referred to as shall be usurious by existing laws.

SECT. 10. No bounty shall be paid from the State treasury to any volunteer, drafted man, or substitute, enlisted or drafted since the second day of February, eighteen hundred and sixty-four, excepting upon calls for troops already made by the president or government of the United States.

SECT. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 12. This act shall take effect when approved by the governor.

[Approved February 17, 1865.

AN ACT in addition to an act approved March nineteen, eighteen hundred and sixty-two, entitled "An Act to regulate agencies for, and to prevent imposition in the sale of intoxicating liquors."

The commissioner provided for in the act approved March nineteen, eighteen hundred and sixty-two, entitled "An Act to regulate agencies for, and to prevent imposition in the sale of intoxicating liquors," may sell to duly authorized agents of cities, and towns, in other states, under the same duties and penalties as are now provided for the regulation of sale to agents in this state.

[Approved February 20, 1865.]

AN ACT to amend chapter one hundred and one of the revised statutes, entitled "Writ for replevying a person," and chapter one hundred and thirty-five of the revised statutes, entitled "Sentence and its execution in criminal cases, and the liberation of poor convicts."

SECT. 1. Section third of chapter one hundred and one of the Revised Statutes, is hereby amended by inserting in the the third line, after the word "sheriff," the words, *or his deputy*.

SECT. 2. Section ten of chapter one hundred and thirty-five of the Revised Statutes is hereby amended by inserting between the word "to" and the word "and" in the seventh line the following words: *which oath may be administered by the sheriff, jailor, or any justice of the peace or trial justice.* [Approved February 20, 1865]

AN ACT to amend chapter nine of the public laws of eighteen hundred and sixty-one, concerning the exemption of sewing machines from attachment and execution.

SECT. 1. Chapter nine of the public laws of eighteen hundred and sixty-one, entitled "An Act to exempt certain property from attachment and execution," is hereby amended by striking out the word "fifty" in the third line, and substituting the words *one hundred*, therefor, so that said act, when amended, shall read as follows:

In addition to the property now exempted by law from attachment, sale or levy on execution, there shall be exempted one sewing machine of a value not exceeding one hundred dollars, held for actual use by any debtor, or the family of any debtor.

SECT. 2. This act shall take effect on its approval.

[Approved February 20, 1865.]

AN ACT to amend chapter two hundred and thirty-nine of the public laws of the year eighteen hundred and sixty-four.

SECT. 1. Section one of chapter two hundred and thirty-nine of the public laws, passed in the year of our Lord one thousand eight hundred and sixty-four, is hereby amended by adding thereto the words following, viz: And if an action is brought against any town, or any claim mentioned in this act, any ten or more taxable inhabitants thereof, by leave of the court, may at the expense of such town, employ counsel to defend it, and if judgment has heretofore been, or hereafter shall be rendered in any such action, by default or otherwise, any ten or more taxable inhabitants of the defendant town, may petition the court for review of said action in the name of the town, and employ counsel at the expense of the town to prosecute said proceedings in review to final judgement.

SECT. 2. Section two of said chapter shall be amended by adding thereto the words following, viz: And when the proper authorities of any town refuse to institute any suit contemplated by this section, on demand by any ten taxable inhabitants thereof the latter shall have the power to bring such suit in the name and at the expense of the town.

SECT. 3. Town officers shall have no authority over any action or cause or action or proceeding in review commenced by virtue of this act.

SECT. 4. This act shall take effect upon its approval.

[Approved February 20, 1865.]

AN ACT authorizing the expenditure of money for war purposes.

SECT. 1. The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of outstanding war claims, relief to our sick and wounded soldiers in hospitals, transportation of hospital stores, and all other necessary expenses for the volunteer force raised in this State.

SECT. 2. All expenditures under this act shall be made under the direction of the governor and council.

SECT. 3. This act shall take effect when approved by the governor. [Approved February 20, 1865.]

AN ACT amendatory of chapter eleven of the revised statutes, relating to education.

SECT. 1. Every city, town and plantation shall raise and expend annually, for the support of schools therein, a sum of money exclusive of the income of any corporate school fund, or of any grant from the revenue, or funds from the state, or of any voluntary donation, device or bequest, or of any forfeiture accruing to the use of schools, not less than seventy-five cents for each inhabitant, according to the census of the State, by which representatives to the legislature were last apportioned.

SECT. 2. No town which neglects to raise the amount of money required to be raised by section one of this act shall, during the year in which such neglect occurs, receive any part of the State school fund required to be apportioned to the several towns by the treasurer of state; *provided, however*, that all plantations shall be entitled to receive their part of the state school fund, when the inhabitants of such plantation shall have paid their part of all state and county taxes, and not otherwise.

SECT. 3. Each school agent shall return to the superintending school committee, in the month of April, annually, a certified list of the names and ages of all persons in his district, from four to twenty-one years, as they existed on the first day of said month, leaving out of said enumeration all persons coming from other places to attend any college or academy, or to labor in any factory, or at any manufacturing or other business.

SECT. 4. If any school agent neglects to return the scholars of his district, as provided in section three of this act, the superintending school committee shall immediately make such enumeration in such district, and be paid a reasonable sum for the service, and the sum thus paid shall be taken from the amount to be apportioned to the district of such delinquent agent.

SECT. 5. The superintending school committee shall return to the assessors, on or before the fifteenth day of May, annually, the number of scholars in each school district, according to the enumeration provided for in sections three and four of this act.

SECT. 6. Any school district maintaining graded schools, may raise for the support of schools therein, a sum of money not exceeding that which it receives from the town in addition thereto.

SECT. 7. This act repeals all acts and parts of acts inconsistent with it, and shall be in force when approved. [Ap. Feb. 22, 1865.]

AN ACT further defining the duties of town officers in relation to the disbursement of moneys.

SECT. 1. The selectmen, treasurer, and every other person charged with the expenditure of the moneys of any town, shall on or before the morning of the annual meeting in each year, make detailed written or printed reports of all their financial transactions, for or in behalf of the town, during the municipal year immediately preceding, with a full account of the receipts and disbursements during that period, and to whom and for what purposes each item of the same was paid, together with a statement in detail of the indebtedness and resources of the town. Such reports, if printed, shall be distributed to the legal voters on or before the morning of the annual meeting; or if not printed, shall be presented and read in open town meeting before the election of selectmen, and thereafter, whether written or printed, shall be kept deposited in the office of the selectmen, or if they have no office or usual place of business, with the town clerk, together with the proper vouchers for the disbursements reported, where such reports and vouchers, as well as all the books of the town, shall be open during the usual hours of business, to the inspection of any legal voter; and if any town officer shall refuse or neglect to perform any of the requirements of this act, or shall refuse to allow any legal voter in the town to examine the reports, vouchers and town books herein referred to, he shall be liable to pay a fine of fifty dollars for each and every refusal or neglect, to be recovered by indictment, one-half to the use of the complainant, and one-half to the use of the county.

SECT. 2. This act shall take effect upon its approval.

[Approved February 22, 1865.]

AN ACT to change the time of holding the county commissioners' court for Kennebec county.

SECT. 1 The terms of the county commissioners' court of the county of Kennebec, which are now required to be held on the last Tuesday of April and on the second Tuesday of August in each year, shall hereafter be held on the third Tuesday of April and on the third Tuesday of August of each year.

SECT. 2. This act shall take effect on the first day of June next.

[Approved February 23, 1865.]

AN ACT concerning the militia.

Be it enacted, &c., as follows:

Enrollment, exemption, etc.

SECT. 1. Every able-bodied male citizen, resident within this state, of the age of eighteen years and under the age of forty-five years, shall be enrolled in the militia.

SECT. 2. The following persons shall be enrolled, but exempted from military duty, in the militia, viz:

The vice-president of the United States;

The officers, judicial and executive, of the government of the United States:

The members of both houses of congress and their respective officers; all custom-house officers; pilots and mariners employed in the sea service of any citizen or merchant within the United States; soldiers in the army and seamen in the navy of the United States; all post-masters, post-officers, post-riders, and stage-drivers employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road.

Also all justices of courts of record, registers of deeds, and sheriffs; and any person of either of the religious denominations of quakers or shakers, who shall, on or before the first day of May annually, produce to the commander of the company, within the limits of which he resides, a certificate, signed by two or more of the elders or overseers, (as the case may be) and countersigned by the clerk of the society with which he meets for public religious worship, which shall be in substance as follows:

We, the subscribers, of the society of people called , in the town of , in the county of , do hereby certify that professes the religious faith of our society, and is a member theref, tha he frequently and usually attends religious worship with said society, and we believe that he entertains conscientious scruples against bearing arms.

A B, } Elders or overseers,
C D, } (as the case may be.)
E F, Clerk.

The persons hereinafter named shall be enrolled, but shall be held to service only in case of war, invasion, the prevention of invasion, insurrection, the suppression of riots, and to aid civil officers in the execution of the laws, viz.:

Officers who have held or may hold for a period of five years, commissions in the army or navy of the United States, or in the militia of this or any other state of the United States; or who have been or shall be superseded and discharged; or who have held or shall hold commissions in any corps at the time of its disbandment.

The superintendents of the insane hospital at Augusta.

The officers and guards employed at the state prison in Thomaston, or in any of the jails or houses of correction, or state reform school.

Keepers of light-houses.

No idiot, lunatic, common drunkard, vagabond, pauper, or person convicted of any infamous crime, shall be allowed to serve in the militia, and any person convicted of such crime after enrollment, shall forthwith be stricken from the rolls.

Sect. 3 It shall be the duty of the assessors, in the several cities, towns, and plantations, to prepare a list of all persons who may be living within their respective limits, and liable to enrollment; giving the name, age and occupation of each of such persons, and all facts which may determine his exemption from military duty, and place a certified copy of such list in the hands of the clerks of their respective cities or towns and plantations on or before the first day of July next; and the said clerks shall return copies of such lists to the adjutant general on or before the tenth day of July next.

Sect. 4. The commander-in-chief shall divide the state into military districts of companies, which shall be numbered, an orderly sergeant appointed for each, and a record thereof made in the office of the adjutant general. And the commander-in-chief shall issue orders for the election of captains in the several companies into which he shall have so divided the state whenever he deems proper, on or after the first Wednesday of January, eighteen hundred sixty-six, *provided however*, that in case of insurrection, or war with any foreign power, the commander-in-chief shall forthwith proceed to organize the militia in accordance with the provisions of this act.

Sect. 5. The order to notify and preside at the meeting to be held for such election of officers may be issued to the orderly sergeant of the company; and such sergeant shall at once proceed to notify such meeting, by posting written or printed notices of the time and place appointed for the same in three or more public places within the bounds of said company, ten days before the time appointed for the same. The compensation of said sergeant for notifying the meeting and presiding thereat, and for keeping the records and making the return prescribed in section six, shall be three dollars. No person shall be allowed to vote for captain until his name shall have been checked by the presiding officer on the assessors' list, or for other officers until his name shall have been checked on the captain's enrolment list.

SECT. 6. The presiding officers at all such meetings shall keep records of all the proceedings thereat, and make return thereof to the adjutant general within three days from the holding of the meetings.

SECT. 7. As soon as the captains of the several companies shall have been commissioned and qualified, they, or the acting officer in case there is no captain, shall, without delay, proceed to enroll in the militia, in such form as shall be prescribed by the commander-in-chief, all persons resident within the bounds of their respective companies, and liable to enrollment. And all such persons as shall be under the age of twenty-four years, and liable to military duty, shall be enrolled in one roll, and constitute the active militia; and all such as shall be above the age of twenty-four years, together with all such persons as it is provided in section second, shall be exempt from military duty, or only liable to do military duty in case of war, invasion, the prevention of invasion, insurrection, the suppression of riots, and to aid civil officers in the execution of the laws, shall be enrolled on another roll, and constitute the reserved militia. And the said commanding officers shall forthwith expose copies of such rolls to view, by posting the same in three or more public places within the bounds of their respective companies for at least fourteen days. And the posting of the rolls shall be deemed legal notice to all persons named therein of the fact of their enrollment.

SECT. 8. All persons so enrolled who claim to be exempt from enrollment, or have been incorrectly enrolled, shall present their claims to the commanding officer of the company in which they have been enrolled, within said fourteen days from the first posting of the rolls of said company, and it shall be the duty of such officer to strike from the rolls the names of all such persons as shall be found not liable to enrollment, and to add thereto the names of any other persons liable to enrollment who may have been omitted in said rolls, or may have become liable to such duty since the making thereof, and to make such further corrections in his rolls as may be required by transfers between the active and reserved rolls. And each commanding officer shall, within thirty days from his qualification, return to the clerk of the city, town or plantation in which he resides, the corrected roll of his company, of which the said clerk shall make record in the records of such city, town or plantation; and each commanding officer shall also at the same time transmit a copy of such corrected roll to the adjutant general.

SECT. 9. The commander-in-chief may make all further rules and regulations necessary for the complete enrolment of the militia, under the provisions of this act, and in accordance with the laws of the United States.

SECT. 10. Each commanding officer shall, from time to time, add to the rolls of his company the name of each citizen resident within its bounds, who shall arrive at the age of eighteen years, or come to reside within said bounds, or who, without being exempted, shall cease to be holden to duty elsewhere, and the commanding officer shall notify such citizen of his enrolment without delay. And each commanding officer shall, annually, in the month of May in each year, cause copies of the rolls of his company to be exposed to view in the manner and for the period prescribed in section seven, and having revised and corrected said rolls in the manner prescribed in section eight, return copies of the same to the clerks of their respective cities, towns or plantations to be recorded, and to the adjutant general, on or before the first day of June in each year. And such posting of said rolls as hereinbefore prescribed, shall be legal notice to all persons named therein of the fact of their enrolment.

The roll of each company shall state the name, age, rank, occupation and birthplace of each man enrolled in said company.

The commanding officer of each volunteer company shall transmit to the adjutant general, annually, on or before the first day of June, a complete roll of his company, with the name, age, residence and date of enlistment of each member thereof, and of each man discharged therefrom during the preceding year, together with the date of such discharge.

SECT. 11. The commander-in-chief may from time to time make such alterations as may by him be deemed expedient, in the bounds of the several companies, and issue such orders as may be thereby rendered necessary for the enrolment of the militia in such companies, or any of them, or in any new companies thus created.

Reserved and active militia.

SECT. 12. The reserved militia shall be subject to no active duty except in case of war, invasion, the prevention of invasion, insurrection, or the suppression of riots, or when required to aid civil officers in the execution of the laws of the State or of the United States, in which cases the commander-in-chief may order a draft, as provided in section one hundred twenty-seven.

SECT. 13. When the reserve militia, or any portion thereof, are ordered out for actual service, and while engaged in the same, they shall be organized by the commander-in-chief in companies and regiments, which shall be officered, governed and trained, according to the laws of the United States and of this State, and attached to brigades and divisions of the active militia, or formed into separate brigades and divisions, as the commander-in chief shall deem expedient.

SECT. 14. The companies of the active militia shall be formed by the commander-in chief into regiments, brigades and divisions, and organized in conformity with the laws of the United States, and the commander-in-chief may make such changes in the formation of regiments, brigades and divisions, from time to time, as may become necessary.

SECT. 15. The commander-in-chief may authorize the recruitment at large, in each division, of so many companies of cavalry, batteries of light artillery, and companies of engineers as he may deem proper.

Volunteer militia.

SECT. 16. The commander-in-chief may authorize the continuance or formation of volunteer companies, formed of members of the active or of the reserve militia, who shall be liable to all the duties of the active militia, but shall be excused from duty in the standing company in which they are enrolled, so long as they shall continue members of such volunteer companies.

SECT. 17. The volunteer companies shall be formed into separate regiments, or attached to such regiments of the active militia as the commander-in-chief shall deem proper, and he may retain any existing companies of the volunteer militia.

SECT. 18. The non-commissioned officers and privates of each volunteer comapny, and all recruits admitted into the same, shall sign their names in a book of enlistment to be kept by the company for the purpose, in such form as shall be prescribed by the commander-in-chief; which signing shall be a legal enlistment, by virtue whereof they shall be held to do duty in said company for six years, unless they shall become incapacitated by subsequent disability, or be regularly discharged therefrom by the proper officer.

SECT. 19. Companies of cavalry, artillery and engineers may remain unattached to any regiment or brigade, if the good of the service in the opinion of the commander-in-chief shall require it, or may be attached to divisions at the pleasure of the commander-in-chief. In such case, such companies shall be subject to the immediate orders of the commanders of such divisions or brigades as the commander-in-chief shall designate; who shall receive the reports, returns and orders, have the authority and discharge the duties, with regard to such companies, which are prescribed for the commanders of regiments with regard to other companies.

SECT. 20. All volunteer companies shall be organized in all respects like the companies of the same arm of the active militia; but no new volunteer company shall be organized unless such new company shall have on its rolls at least the maximum number of enlisted men; and no election of officers shall be ordered at any time in any company of the volunteer militia, unless at the time of such order the said company shall have at least the minimum number of enlisted men on its rolls.

SECT. 21. If it appears to the commander-in-chief on the representation of the adjutant general, inspector general, or officer commanding a division or brigade, that a volunteer company has failed to comply with the requisitions of the law in matters of uniform, equipment or discipline, so that it is incapacitated to discharge the duties required of it, such company may be disbanded by the commander-in-chief.

SECT. 22. If a volunteer company is without commissioned officers, and having been twice ordered to fill such vacancies, neglects or refuses to fill them; or is reduced to a less number than the minimum number of non-commissioned officers and privates provided for a company of its arm, and so remains for six consecutive months, or appears from any return made to the adjutant general to have been reduced below such minimum number of non-commissioned officers and privates present and doing duty at the time for which such return is made, such company may be forthwith disbanded by the commander-in-chief.

SECT. 23. The commander of a regiment may, upon the written application of the commander of a volunteer company in his regiment, accompanied by a request in writing, signed by a non-commissioned officer or private, discharge such non-commissioned officer or private from the company; and the commander of a company unattached, may, upon an application in writing, signed by a member thereof, discharge such member; and commanding officers of regiments or detached companies may discharge non-commissioned officers or privates of volunteer companies, upon the request by vote of a majority of the active members of the company, but no such discharge shall operate to discharge such non-commissioned officer or private from military service under this act, and the officer granting the same shall forthwith give notice thereof to the commanding officer of the company of militia in which such non-commissioned officer or private is liable to perform military duty.

SECT. 24. The commander of a brigade may raise, by voluntary enlistment and warrant, and organize within the limits of his command, a band, to be under his direction and command, whenever his brigade parades or the said band is ordered to parade with any portion of said brigade by the commander-in-chief, a band of musicians not to exceed, including a master and deputy-master, sixteen for a brigade. The master, and in his absence, the deputy-master, shall teach and command the band, and issue all orders directed by such commander. Each member of the band shall keep himself provided with such uniform as may be directed by the commander-in-chief, and such instrument as the commander of his brigade prescribes, under penalty for each neglect or deficiency, or for misconduct, or dismissal from the band by such commander, and of not less than ten, nor more than twenty dollars to be recovered on complaint, by the brigade inspector, to the use of the state.

Organization of militia.

SECT. 25. The militia, under the command in chief of the governor of the state, shall be organized and officered as follows:

The staff of the commander-in-chief shall consist of an adjutant general, who shall be the chief of the staff, quartermaster general, inspector general, surgeon general, commissary general, and judge advocate general, each with the rank of brigadier general.

Four aides-de-camp with the rank of lieutenant colonel. A military secretary with the rank of major, and such additional officers of the general staff as the public service may require, with such rank as the commander-in-chief may designate.

Divisions.—To each division there shall be one major general, one division inspector with the rank of lieutenant colonel, one assistant adjutant general, one quartermaster, one commissary of subsistence, one judge advocate and one aide-de-camp, each with the rank of major, and two aides-de-camp, each with the rank of captain.

Brigades.—To each brigade their shall be one brigadier general, one brigade inspector, with the rank of major, one assistant adjutant general, one quartermaster, one commissary of subsistence, one paymaster and one aide-de-camp, each with the rank of captain, and one aide-de-camp with the rank of first lieutenant.

Infantry.—To each regiment of infantry there shall be one colonel, one lieutenant colonel, and one major, one adjutant and one quartermaster, each with the rank of first lieutenant, one surgeon, with the rank of major, two assistant surgeons, each with the rank of first lieutenant, one chaplain, one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, and two principal musicians, and ten companies; each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and not less than sixty-four nor more than eighty-two privates.

Cavalry.—To each regiment of cavalry there shall be one colonel, one lieutenant colonel, three majors, one surgeon with the rank of major, two assistant surgeons, with the rank of first lieutenant, one veterinary surgeon with the rank of sergeant major, one adjutant, one quarter master, one commissary of subsistence, each with the rank of first lieutenant, one chaplain, one sergeant major, one quartermaster sergeant, one commissary sergeant, two hospital stewards, one saddler sergeant, one chief trumpeter, and twelve companies or troops; each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, one commissary sergeant, five sergeants, eight corporals, two trumpeters, two farriers or blacksmiths, one saddler, one wagoner, and not less than sixty nor more than seventy-eight privates.

Artillery.—To each regiment of artillery there shall be one colonel, one lieutenant colonel, one major to every four companies or batteries, one adjutant and one quartermaster, each with the rank of first lieutenant, but not to be extra lieutenants, one chaplain, one sergeant-major, one quartermaster sergeant, one commissary sergeant, one hospital steward, and two principal musicians.

To each battery of light artillery, or company of heavy artillery, there shall be one captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster sergeant, six sergeants, twelve corporals, two musicians, two artificers, one wagoner, and one hundred and twenty-two privates.

Engineers.—To each company of engineers there shall be one captain, two first lieutenants, one second lieutenant, ten sergeants, ten corporals, two musicians, sixty-four artificers, and sixty-four privates.

Officers of the line.

SECT. 26. The officers of the line shall be elected as follows:

Major generals by the senate and house of representatives, each having a negative upon the other.

Brigadier generals, by the written votes of the field officers of the respective brigades.

Field officers of regiments, by the written votes of the captains and subalterns of the companies of the respective regiments.

Captains and subalterns of companies, by the written votes of the non-commissioned officers and privates of the respective companies.

In the first election of captains of companies to be held under this law, every man whose name is borne on the roll of the company, as made out by the assessors, and who is not exempt from military duty, shall be entitled to vote. But after the enrolment by the commanding officer so elected, and division of the militia into the active and reserve militia, no member of the reserve militia shall be entitled to vote at any election of officers of any company of the active militia.

Staff officers,

SECT. 27. The staff officers of the militia shall be appointed in manner following:

The adjutant general and quartermaster shall be chosen as provided by the constitution. The inspector general, judge advocate general, commissary general, surgeon general, aides-de-camp and military secretary to the commander-in-chief with such additional officers of the general staff as the commander-in-chief may deem necessary, by the commander-in-chief.

The major generals and brigadier generals shall appoint their respective staffs. All other staff officers of division and brigade staffs shall be appointed by the commander-in-chief upon the nomination of the generals commanding the respective divisions and brigades, and shall hold their offices for one year and until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief.

Adjutants, quartermasters, commissaries and chaplains of regiments shall be appointed by their respective colonels.

Surgeons and assistant surgeons, by the commander-in-chief, upon the nomination of their respective colonels, after they shall have passed an examination before a board of surgeons to be appointed by the commander-in-chief.

Eligibility and qualifications of officers.

SECT. 28. Members of the reserved militia shall be eligible to office in the active militia; but no commission shall issue to an officer elected or appointed unless he appears to be qualified by education and ability to discharge the duties of his office. And the commander-in-chief may in his discretion cause an examination to be had, by a military board which he is authorized to appoint, into the qualifications of all persons, below the rank of major generals, claiming commissions under this act. If upon such examinations the board finds the candidate qualified within the meaning of this section, the commission shall issue.

SECT. 29. No idiot, lunatic, vagabond, pauper, nor person convicted of an infamous crime, shall be eligible to any military office, and the habitual use of intoxicating liquors as a beverage shall disqualify any person from holding any commission under this act. When it appears to the commander-in-chief that a person thus ineligible has received a majority of the votes cast at an election of officers, he shall not commission him, but shall declare such election null and void, and appoint some person to fill the vacancy.

SECT. 30. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall appoint a suitable person.

SECT. 31. When the office of major general, brigadier general, colonel, or captain, is vacant, or such officer is sick or absent, the officer next in rank shall command the division, brigade, regiment, or company, until the vacancy is supplied. The senior non-commissioned officer of a company without commissioned officers, shall command the same, until some commissioned officer is detailed to command it, as provided in section thirty-three.

SECT. 32. When a company is newly enrolled, or from any cause is without commissioned officers, the commander of the regiment may, without an order from the commander of the division, order an election of officers as soon as may be.

SECT. 33. When a company is first enrolled, or from any cause is without officers, and an election of officers is ordered, if such company neglects or refuses to elect any officer, or if the persons elected shall not accept, the commander of the regiment to which it belongs, shall detail some officer of the staff or line of the regiment to train and discipline said company, until some officer is elected or appointed by the commander-in-chief. Such officer shall have the same power, and be subject to the same liabilities, as if he were captain of such company; shall keep the records of the company, and prosecute for all fines and forfeitures, in like manner as a clerk might do, under section one hundred and sixty-one; and all meetings of such company shall be notified as provided in section ninety-one.

SECT. 34. The non-commissioned staff officers of regiments shall be appointed by the colonels of their respective regiments. Non-commissioned officers of companies shall be appointed by their respective captains, who shall forthwith make a return, in writing, of such appointments, to the officer commanding the regiment.

To every company there shall be a clerk who shall be one of the sergeants, to be appointed by the commanding officer of the company.

SECT. 35. Whenever the clerk of a company is absent, sick, or unable to discharge the duties of his office, the commander of the company may appoint a clerk pro tempore. In all cases of a vacancy he may order a non-commissioned officer or private to perform the duties of a clerk until another is appointed; and any non-commissioned officer or private refusing or neglecting to perform such duty when so ordered shall forfeit to the use of the company not less than twenty nor more than fifty dollars, to be recovered on complaint by the commander. In such cases the records of the company shall be kept by the commander thereof, as long as such vacancy, absence, sickness or inability continues, and records so kept shall be competent evidence of such orders and temporary appointments, as well as of all matters of which they would be evidence if kept by the clerk.

General provisions respecting officers.

SECT. 36. When a company has neither commissioned nor non-commissioned officers, the commander of the regiment to which it belongs, shall appoint suitable persons within said company to be non-commissioned officers thereof; and shall appoint one of the non-commissioned officers to be clerk, endorse the appointment on his warrant, administer the oath to him, and certify the same, as required by section fifty-two.

SECT. 37. All commissioned officers shall be commissioned by the commander-in-chief, according to the respective offices and grades to which they may be elected or appointed, except as herein otherwise expressly provided.

Every non-commissioned officer's warrant shall be given and signed by the commanding officer of the regiment.

Clerks shall have their appointments certified on the back of their warrants, by the commanding officers of their respective companies.

SECT. 38. Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, their rank shall be determined by lot drawn before the commander of the division, brigade, regiment, company, or detachment, or president of a court-martial, as the case may be.

The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. When he is transferred to another corps or station of the same grade, the date of the original appointment shall be expressed and considered the date of his commission.

SECT. 39. When an officer shall lose his commission, upon affidavit made before a justice of the peace and produced to the adjutant general, a duplicate commission shall issue of the same tenor and date.

SECT. 40. Major generals shall be notified of their elections by the secretary of state, and, unless within fifteen days after such notice, they signify to the secretary their acceptance of office, shall be taken to have refused the same.

SECT. 41. Major generals shall order elections to fill all vacancies which occur in their respective divisions, in the office of brigadier general, field officer, captain or subaltern. Such elections shall be held at the places most convenient for the majority of the electors, and shall be ordered throughout each division, at least once in each year; the elections of company officers first, and those of field officers next.

Election of officers and oaths.

SECT. 42. Electors shall be notified of elections at least four days previously thereto. A non-commissioned officer or private unnecessarily absent from company election, shall forfeit two dollars, to be recovered on complaint of the clerk, to the use of the company.

SECT. 43. Officers ordering elections may preside, or detail some officer of suitable rank to preside.

SECT. 44. A captain or staff officer of the rank of captain, may preside at the election of an officer of equal or inferior grade within the limits of his regiment; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appear to preside.

At all elections such presiding officer shall keep a record of the proceedings, and make return thereof to the commanding officer of the regiment, brigade or division, as may be proper.

SECT. 45. The person who has a majority of the written votes of the electors present at a meeting duly notified, shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof, or of neglect or refusal to elect, to the commander of the division. Every person so elected and notified, shall accept, if a brigadier general or field officer, within ten days, or, if a company officer, forthwith: otherwise he shall be taken to have refused. If before the meeting for the election of any officer is dissolved, the person chosen signifies to the presiding officer his refusal to accept, the same shall be recorded and made part of the return, and the electors shall proceed to another election. Elections may be adjourned not exceeding twice, and each adjournment for a period not exceeding two days; but no company election shall be legal unless it be notified in the manner prescribed in section forty-two.

The original roster of the brigade, or regiment, or original roll of the company, as the case may be, shall be produced at such elections, by the person having the legal custody thereof.

The commanding officer of the division shall return all elections, and refusals or neglects to elect, to the commander-in-chief, and unless he is notified by the commander-in-chief of his intention to make an appointment, he may in such case of refusal or neglect to elect, order a new election.

SECT. 46. When an officer holding a military commission is elected to another office in the militia, and accepts the same, such acceptance shall constitute a part of the return of the presiding officer, and shall vacate the office previously held.

SECT. 47. Commissions shall be transmitted to the commanding officers of divisions, and by them through the proper officers, to the officers elect.

SECT. 48. When a person elected or appointed to an office refuses to accept his commission or qualify at the time of acceptance, the officer commanding the division shall certify the fact on the back thereof, and return it to the adjutant general; and if the office is elective, a new election shall be ordered.

SECT. 49. No person whatsoever shall, pending or after an election, treat with intoxicating liquors the persons attending thereat, nor shall any person, on days of military duty, so treat persons performing such duty, under a penalty of ten dollars for each offence.

SECT. 50. No officer or soldier shall be arrested on civil process while going to, remaining at, or returning from a place where he is ordered to attend for election of officers or military duty.

SECT. 51. Every commissioned officer, before he enters on the duties of his office, or exercises any command, shall take and subscribe before a justice of the peace, or general or field officer who has previously taken and subscribed them himself, the following oaths and declarations:

"I, A B, do solemnly swear, that I will bear true faith and allegiance to the state of Maine, and will support the constitution thereof. So help me God."

"I, A B, do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of this state. So help me God."

"I, A B, do solemnly swear, that I will support the constitution of the United States."

And on the back of every commission the following certificate shall be written or printed, and signed by the person before whom such officer is qualified:

This may certify that A B, commissioned as within on this day of A. D. personally appeared, and took and subscribed the oaths required by the constitution and laws of this state and a law of the United States, to qualify him to discharge the duties of his office. Before me,

SECT. 52. Every clerk of a company, before he enters upon his duties, shall take the following oath, before the commanding officer of the company to which he belongs, viz:

"I, A B, do solemnly swear that I will faithfully and impartially perform all the duties incumbent on me as clerk of the company to which I belong, according to the best of my abilities and understanding. So help me God."

The commander of such company shall, at the time of administering the oath, certify on the back of the warrant of the sergeant appointed to be clerk, that he was duly qualified, by taking the oath required by law.

Discharge of officers.

SECT. 53. When an officer requests in writing his discharge from office, with the approval of the commanders of the regiment, brigade and division to which he belongs, the commander-in-chief may so discharge him.

SECT. 54. No commanding officer shall approve a resignation under the preceding section, if the same is offered between the first day of May and the first day of November unless the reasons for such resignation are urgent and proved to his satisfaction. No officer shall be discharged until he has turned over to the officers entitled to receive the same, all rolls, books, rosters and documents, and all arms, accoutrements, uniforms, equipments, equipages, ammunition, and other public property issued to him, or in his custody, or for which he is responsible or accountable, and filed with the quartermaster-general the certificates hereinafter prescribed in sections seventy-seven and eighty-three.

SECT. 55. If an officer unreasonably refuses to approve an application for discharge, and it is so made to appear to the commanders above him they may approve the same, and the commander-in-chief may discharge the applicant.

SECT. 56. No officer than a staff officer appointed by the commander-in-chief shall be discharged by the commander-in-chief, unless upon his own request, except as follows:

When it appears to the commander-in-chief, by the report of a board of military examiners, as provided in section fifty-seven, that he has become unable or unfit to discharge the duties of his office, or to exercise proper authority over his inferior officers and soldiers, or that he has been convicted of an infamous crime.

When the commander of his division certifies that he has, either before or after receiving his commission, removed his residence out of the state, or out of the bounds of his command to so great a distance, that in the opinion of such commanding officer it is inconvenient to exercise his command.

When such commander certifies that he has been absent from his command more than one year without leave.

Upon address of both houses of the legislature to the governor.

Upon sentence of court martial, after trial according to law.

When the corps to which he belongs is disbanded.

And upon petition of two or more superior officers.

In which cases he may be so discharged. Every officer, except when under arrest, shall perform the duties of his office until he is discharged.

SECT. 57. The commander-in-chief may, from time to time, and at any time, appoint a military board of examiners, of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualification, propriety of conduct, and efficiency of any commissioned officer of the militia below the rank of major-general, who may be reported to them as a fit subject for such examination, and upon the report of such commission, if adverse to such officer, and if approved by the commander-in-chief, the commission of such officer shall be vacated: *provided, always*, that, if practicable, two members at least of such board shall be of military rank at least equal to that of the officer to be examined.

SECT. 58. When an officer accepts an appointment in the regular army of the United States, or any corps of United States volunteers, his office shall thereby become vacant; and if, after accepting such appointment, he exercises any of the powers and authority of such office, he shall forfeit not exceeding one hundred dollars.

SECT. 59. The commissions of staff officers appointed by any other officer than the commander-in-chief, shall expire as soon as the successor of such appointing officer is commissioned.

The commissary general, judge advocate, surgeon general, and all other staff officers appointed by the commander-in-chief shall hold their offices for one year and until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief.

SECT. 60. Officers under arrest shall not resign, but shall be suspended from exercising the duties of office.

SECT. 61. A non-commissioned officer or clerk of a company may resign his office to the commanding officer of his company, and may be discharged therefrom by him if, in his opinion there be sufficient reason therefor.

Adjutant, quartermaster, commissary, surgeon and inspector general.

SECT. 62. The adjutant-general shall distribute all orders from the commander-in chief,—attend all public reviews when the commander-in-chief shall review the militia, or any part thereof,—obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States,—furnish blank forms of the different returns that may be required, and explain the principles on which they should be made,—distribute all books required to be furnished at the public expense, receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline, all of which the several officers of the divisions, brigades, and regiments, are hereby required to make in the usual manner, so that the adjutant-general may be furnished therewith, and from all said returns he shall make proper abstracts and lay the same annually before the commander-in-chief; and he shall, annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with their arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief, and the other of which he shall transmit to the president of the United States.

SECT. 63. He shall, within twenty days after the receipt of each company or band pay-roll under sections one hundred and twenty-one and one hundred and twenty-six carrying out therein opposite to the name of each man returned, the amount of pay to which he is entitled, and certifying thereon that it contains the names of those persons only who are entitled to pay, transmit the same to the mayor and aldermen, the selectmen or assessors of the city, town or plantation in which the armory or place of assembly of such company or band is situated.

SECT. 64. He shall on or before the twenty-fifth day of January in each year, make out a certified roll of the names of all the general, field and staff officers that appear by the returns made to him under section one hundred and twenty-five, to be entitled to the pay under sections one hundred and thirty-seven and one hundred and thirty-nine, and shall ascertain from the returns made to him under sections one hundred and twenty-one and one hundred and twenty-six, the amount of money necessary to reimburse the several cities and towns, and shall submit such roll and result to the auditor, and the governor shall draw his warrant on the treasury for such sums as may be necessary to pay such officers, and reimburse such cities, towns and plantations.

SECT. 65. The quartermaster general, under the direction and supervision of the commander-in-chief, shall purchase and issue all ordnance stores, artillery, arms and accoutrements, clothing, camp equipage, and military stores generally, except such as are expressly directed by law to be purchased by other officers. He shall, under the orders of the commander-in-chief, procure and provide means of transport for the militia, and for all its implements, munitions of war and military supplies, and shall be the keeper of the public magazines and of all military property of the State, accepting such as is by law expressly intrusted to the keeping of other officers. He shall give bond to the State in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary diligence and care in the safe keeping of military stores and property of the state committed to his custody; to account for the same and deliver over to his successor, or to any other person authorized to receive the same, such stores and property. And any other officer to whom any arms, equipments, stores, or other property of the state shall at any time be issued, may be required to give a bond to the satisfaction of the governor and council, with the like condition.

SECT. 66. The commissary general, under the direction and supervision of the commander-in-chief, shall purchase and issue all military subsistence supplies.

SECT. 67. The surgeon general, under the direction and super-

vision of the commander-in chief, shall purchase and issue all medical, surgical and hospital supplies.

SECT. 68. The adjutant general, quartermaster general, surgeon general and commissary general shall account, as often as may be required by the commander-in-chief, and at least once yearly, to the commander-in-chief, in such manner as he shall prescribe, for all property which shall have passed through their hands, or the hands of the subordinate officers of their respective departments, or that shall be in their care or possession, and for all moneys which they shall expend in discharging their respective duties; and they shall annually, in January, lay before the governor and council accounts, with vouchers, of their expenditures during the previous year.

SECT. 69. Neither the adjutant general, quarter-master general, surgeon general, or commissary general, nor any assistant of either of them, nor any subordinate officer of their departments, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for, making part of, or appertaining to, their respective departments, except for and on account of the state, nor shall they or either of them take or supply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

SECT. 70. The commander in-chief may, at his discretion, whenever the office of commissary general or inspector general shall be vacant, assign the duties of such officer to some officer already in commission, until the commander-in-chief shall deem it necessary to fill such office by special appointment.

Arms, equipments, equipage, etc.

SECT. 71. All commissioned officers shall provide themselves with such uniforms and arms complete, as the commander-in-chief shall prescribe, subject to such restrictions, limitations and alterations as he may order.

SECT. 72. Every officer and soldier shall hold his uniform, arms, ammunition and accoutrements required by law, free from all suits, distresses, executions or sales, for debt or payment of taxes.

Articles furnished by the state.

SECT. 73. Whenever any corps or detachment of the militia is ordered to perform any duty requiring the use thereof, the quarter master general shall deliver to the commanding officer of such corps or detachment, such tents, fixtures and other camp equipage, and such ammunition as may be necessary for the discharge of such duty; and each officer to whom such equipage is delivered, shall be responsible for the safe keeping of the same, and shall return the same to the quartermaster general when the duty shall have been performed for which the same was issued, and in case of the discharge or death of such officer, he or his legal representative shall be released from such responsibility upon filing in the office of the quartermaster general a certificate of the officer succeeding him in command, that the articles so furnished are in his custody at the date of his certificate, and in good order and condition, reasonable use and wear thereof excepted, and the officer giving such certificate shall from that time be responsible for such articles as if they had been originally issued to him.

SECT. 74. Each regiment shall be furnished by the state with the national and state colors, their staffs, belts and sockets; and each battery of light artillery and company of cavalry with its proper guidon, staff, belt and socket; and the commander of such regiment, battery or company, shall be responsible for their safe keeping.

SECT. 75. Each company of the active and volunteer militia, on application by the commander thereof to the adjutant general, and producing satisfactory evidence that a suitable armory or place of deposit is provided therefor agreeably to section eighty-six shall be furnished by the quartermaster general with such appropriate arms and equipments as shall be determined by the commander-in-chief.

SECT. 76. The commissioned officers of every company of the active and volunteer militia shall, from the time of their being qualified, be responsible for the safe keeping and return of all uniforms, arms, equipment, ammunition and equipage, the property of the state, which have been, or shall hereafter be, issued to their respective companies; and for any loss or damage thereto, compensation may be obtained by an action of contract brought by the quartermaster general against all or any of such officers, which it shall be his duty to bring.

SECT. 77. In case of the discharge or death of such an officer, he or his legal representative shall be relieved from such responsibility, upon filing in the office of the quartermaster general a certificate signed by not less than two commissioned officers of his company, that such articles are, at the date of the certificate, undiminished in quantity and value, reasonable use and wear excepted.

SECT. 78. Non-commissioned officers and soldiers shall be responsible for the preservation of the arms, equipments and uniforms furnished to them, and for any injury or damage thereto, caused by them or by their neglect, shall forfeit a sum sufficient to repair or replace the same, which may be recovered on complaint of the clerk of the company, or the commander thereof may return such sum to the quartermaster general with a proper specification, who shall cause the same to be deducted from the pay of the delinquent.

SECT. 79. Upon the disbandment of a volunteer company which has received arms, equipments, or equipage, from the quartermaster general, he shall receive the same on presentation thereof by the officers of the company, or their agents.

SECT. 80. Each company of militia shall be furnished with such instruments of music as the commander-in-chief shall order. Each commander of a brigade may draw orders upon the quartermaster-general, or officer acting as such, in favor of the commanders of regiments, batteries and companies for colors, guidons and instruments of music. Commanders of companies shall be responsible for the safe keeping of the instruments delivered to them for the use of their companies.

SECT. 81. Each battery of light artillery shall be provided, by the quartermaster-general, with the battery of manœuvre prescribed for that arm by the war department of the United States; with caissons, harness, implements, laboratory, and ordnance stores, as may, from time to time, be necessary for their complete equipment for the field; and when expedient in the opinion of the commander-in-chief, such quantity of ammunition annually as he may deem necessary to be expended in experimental gunnery. The commissioned officers of each battery shall be accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition.

SECT. 82. When any battery or section of a battery is ordered to march out of the city or town where the gunhouse is situated, and on occasions of parade for experimental gunnery, review or camp duty, the commanding officer shall provide horses to draw the field-pieces and caissons, and present his account of the expenses thereof, as provided in section one hundred and forty-seven. On all other occasions when ordered out by an officer of competent authority for camp or salute duty, the charges for horses, powder, and necessary expenses, shall be defrayed by the quartermaster-general.

SECT. 83. Every commissioned officer shall be furnished with a manual of the tactics of his arm of the service as adopted by the war department of the United States, and with a copy of the army regulations. All which books shall be considered public property and returned by such officers to the adjutant-general before their discharge shall be granted.

SECT. 84. The commander-in-chief, with the advice and consent of the council, may sell or exchange, from time to time, such military stores belonging to the state as shall be found unserviceable or in a state of decay, or which they think it for the interest of the state to sell or exchange.

SECT. 85. The committee of the legislature on military affairs shall, annually in January, visit the arsenals in Portland and Bangor, and make a thorough examination into the condition of the same, of the arms and munitions of war, and other property of the state or general government deposited there, and report the condition of the arsenals and property.

Armories.

SECT. 86. The mayor and alderman and selectmen shall provide for each company of the active and volunteer militia within the limits of their respective places, a suitable armory or place of deposit for the arms, equipments and equipage, furnished it by the state. When a company is formed from different places, the location of such armory or place of deposit shall be determined by the commanding officer, with the approval of the commander of the regiment, but when it has been once so determined it shall not be again changed without the approval of the quartermaster general.

SECT. 87. Each armory shall be examined and the condition thereof reported once at least in each year to the commander-in-chief, by the inspector general, or a staff officer by him detailed for that duty.

Orders and notifications.

SECT. 88. Orders from the commander in-chief shall be distributed by the adjutant general; division and brigade orders, by the respective assistant adjutant generals; regimental orders, by the adjutant; company orders, by the clerk, or by any non-commissioned officer or private, when so required by the commanding officer.

SECT. 89. When a commander orders out his company for military duty, or for election of officers, he shall order one or more of the non-commissioned officers or privates, to notify the men belonging to the company to appear at the time and place appointed.—Such non-commissioned officer or private shall give notice of such time and place, to every person whom he is ordered to notify; if he fails to so do, he shall forfeit not less than twenty nor more than one hundred dollars, to be recovered on complaint of the clerk, to the use of the company.

SECT. 90. No notice shall be legal unless given by such non-commissioned officer or private to each man verbally, or by leaving at his usual place of abode a written or printed order, signed by such officer or private, four days at least previous to the time appointed, for military duty, or for election of officers; but in case of invasion, insurrection, riot, or an unforeseen or sudden occasion, a verbal, written or printed notice, however short, shall be legal. When a company is paraded, the commanding officer may verbally notify the men to appear at a future day, not exceeding thirty days from the time of such parade, which shall be sufficient notice as respects the persons present; and all commanders of companies may, on parade, cause to be read, division, brigade or regimental orders, and notify the soldiers of their several commands to appear as by such order required which notice shall be a sufficient warning. Notifications may be proved, as is provided in section one hundred and fifty-five.

SECT. 91. When a company is without commissioned officers, the commander of the regiment to which it belongs, or the officer detailed by him to discipline the same, shall in writing order any non-commissioned officers or privates to notify the persons liable to do duty in such company, to appear for duty required by law, at the time and place mentioned in such order; and if a non-commissioned officer or private refuses or neglects so to notify, he shall forfeit and pay to the use of his regiment not less than twenty nor more than one hundred dollars, to be recovered on complaint of the commander thereof.

SECT. 92. Clerks of companies shall record, in the orderly book, company orders and notifications; but such record shall not be necessary to the recovery of a penalty.

Discipline, trainings, inspection, and camp duty.

SECT. 93. The system of discipline and field exercise ordered to be observed by the army of the United States, in the different corps, or such other system as may hereafter be directed for the militia by laws of the United States, shall be observed by the militia.

SECT. 94. The active militia and volunteers shall parade by companies on the first Wednesday in May for inspection, company drill and manœuvre. They shall also be assembled for drill three hours in each month, from the first day of May to the last day of November, and two hours in each month from the first day of December to the last day of April; and, unless otherwise ordered, the times for such monthly drills shall be fixed by the commanders of companies respectively. If a company is so situated that the soldiers cannot be conveniently assembled at one place for monthly drills, the commander of the regiment may order the same to be drilled in squads not exceeding three to a company: each squad shall, if practicable, be under the command of a commissioned officer. The members of the company shall be notified as provided in sections eighty-nine and ninety. Separate rolls shall be kept for each squad, and the same shall be called under the direction of the commanding officer thereof by a non-commissioned officer appointed for that purpose. The records of fines and forfeitures incurred at such squad drills shall be kept by the officer in command and have the same force and validity as is herein provided in the case of company records. Nothing in this section contained shall be construed to excuse the keeping of company rolls as provided in this act.

SECT. 95. Mayors and aldermen and selectmen shall provide suitable places for the parade, target practice and drill of the militia belonging to their respective cities and towns.

SECT. 96. Each commander of division shall annually order an encampment of his division, by brigades or regiments, for four days, at some time between the middle of July and the middle of October. The order shall be promulgated in the brigade thirty days before the time appointed for the encampment; the orders for encampment by regiments shall be promulgated in the regiment twenty days before such time. The place, and if no time be designated by the commander of division, the time of encampment shall be designated by the commander of the troops to be assembled, and regard shall always be had to the convenience, proximity and accommodation of the troops to be assembled; but no ground shall be occupied for such encampment, in time of peace, without the consent of the selectmen of the town, or mayor and aldermen of the city where the encampment is to be made, unless by order of the commander-in-chief.

SECT. 97. When a company destitute of commissioned officers parades with other troops, the officer in command shall detail one or more commissioned officers present to command it, unless the officer detailed by the commander of the regiment to command it is present.

SECT. 98. The division and brigade inspectors shall inspect the arms, ammunition and accoutrements of the regiments in their divisions and brigades, at such annual encampment, and see that their exercises and manœuvres, are conducted in accordance with the system of military discipline required by law, and by orders received, from time to time, from the commander-in-chief.

SECT. 99. The inspector general shall attend at the encampments provided in this act, and superintend the instruction, drill and manœuvres practiced at the encampments, critically observe the same, and make a written detailed report thereon, independent of the report of the commanding officer. Said report shall state the amount and kind of duty performed by the troops on each day, the manner of its performance, the state and condition of each regiment and company, the degree of order maintained, and the general police of the encampment; and shall also contain such suggestions as are deemed important upon the working and efficiency of the system of instruction, drill and discipline prescribed, and of the necessity of further regulation and legislation in order to perfect the military system of the state, and be transmitted to the commander-in-chief within thirty days from the breaking up of the encampments.

SECT. 100. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade, not including a road so as to prevent passing, within which no spectator shall enter without leave from such commanding officer. Whoever intrudes within the limits of the parade, after being forbidden, may be confined under guard not exceeding twelve hours, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits, may be arrested by order of the commanding officer, and carried before a court or magistrate, to be examined or tried upon complaint for such assault, or disturbance and breach of the peace.

SECT. 101. The authority of the officer in command of any camp may be extended by order of the commander-in-chief to a distance of one-half of a mile around such camp, and upon the external space within such distance from the camp, with the exception of any road or roads within said distance, no person or persons other than the owners of the same with their servants, for the purpose of occupying and improving the same in the same manner and way in which they occupied and improved the same at the time of the establishment of such camp, shall be allowed to enter, except under such rules as shall be established by the officer commanding such camp, with the approval of the commander-in-chief, or by special permission of the officer in command for the time being, or some officer by him designated; and if any person shall so enter he may be immediately expelled, and before being expelled he may, at the discretion of the officer commanding such camp, be confined under guard for a period not exceeding twenty-four hours.

SECT. 102. No officer or soldier shall be holden to perform military duty except in case of invasion, insurrection, riot or tumult made or threatened, or in obedience to the orders of the commander-in-chief, on a day appointed for a meeting in the town in which he resides for the election of governor, senators, electors of president or vice-president of the United States, or representatives to congress or the legislature; and an officer parading his company or wilfully ordering it to parade contrary to the provisions of this section, shall, besides being liable to a court martial, forfeit not less than fifty nor more than three hundred dollars.

SECT. 103. The commander-in-chief may order out the active and volunteer militia, or any portion thereof, for encampment, drill, inspection, review, escort or other duty.

SECT. 104. Nothing herein contained shall be construed to prevent any company from meeting for the purpose of drill, funeral, or other escort, or a voluntary service; nor to impair the obligation arising under constitutional articles of agreement adopted by a volunteer company, so far as regards the members who have signed the same, unless they are repugnant to law. All fines, penalties and assessments incurred by officers or soldiers of such company, under such constitutional articles of agreement, signed by them and approved by the commander-in-chief, may in addition to any other remedy thereon, be recovered on complaint of the clerk.

SECT. 105. Every non-commissioned officer and private holden by law to do military duty in any company, and unnecessarily neglecting to appear at the time and place appointed for such duty, shall forfeit and pay for every such neglect the sums hereinafter mentioned.

For unnecessarily neglecting to appear at the inspection on the first Wednesday of May, four dollars,

At any company training, four dollars,

At any encampment or review, five dollars for each day of such encampment or review.

At any company or squad drill, three dollars.

At any meeting for special duty of escort or otherwise where no fine is provided, four dollars.

SECT. 106. Every non-commissioned officer or private who appears at a parade or drill required by law, deficient in any arm, equipment or uniform furnished him by the state, or required of him by law or general order, or with such arms, equipments or uniform unserviceable or in bad condition, shall forfeit one dollar, to be recovered on complaint of the clerk, to the use of the company.

SECT. 107. A soldier who unnecessarily, or without order from a superior officer, comes to any parade with his musket, rifle or pistol loaded with ball, slug or shot, or shall so load the same while on duty, or unnecessarily, or without order from a superior officer, discharges the same when going to, returning from, or upon parade, shall forfeit not less than five nor more than twenty dollars; to be recovered on complaint of the clerk, to the use of the company.

SECT. 108. A soldier behaving with contempt towards an officer, or conducting himself in a disorderly manner, or exciting or joining in a tumult or riot, or being guilty of unmilitary conduct, disobedience of orders, or neglect of duty when under arms or on duty, shall forfeit not less than ten nor more than forty dollars; to be recovered as provided in the preceding section.

SECT. 109. A soldier, wantonly or without leave, quitting his guard, section, platoon, or company, shall forfeit not less than five nor more than twenty dollars; to be recovered, if the offense is committed at a regimental parade, on complaint by the commander of the regiment, to the use of the regiment; if at any other parade, by the clerk, to the use of the company; and shall forfeit his pay for the term of service for which he is then engaged.

SECT. 110. For any offence mentioned in the preceding section the delinquent may be put and kept under guard by the commander of the company, regiment, or of the field, for a time not extending beyond the term of service for which he is ordered out. A non-commissioned officer, for an offense mentioned in this chapter, or for disobedience of orders or unmilitary conduct at a regimental parade, may, besides incurring the fine prescribed, be reduced to the ranks by the commander of his regiment; and for such misconduct at any other parade, by such commander with the advice of his company commander.

SECT. 111. Soldiers in companies without officers, when ordered out to be trained and disciplined, shall for absence, deficiency, misconduct or neglect, be liable to the fines prescribed for offences in other companies; to be recovered upon complaint of the officer so detailed, substantially as by clerks under section one hundred and fifty-five, to the use of the regiment.

SECT. 112. All fines incurred by a non-commissioned officer or soldier, unless otherwise provided, shall inure to the benefit of said company.

Rosters, orderly books, rolls, and returns.

SECT. 113. The assistant adjutant general of each division and brigade, and the adjutant of each regiment or corps, shall constantly keep a correct roster of the command to which he belongs; and an orderly book in which he shall record orders received and issued.

SECT. 114. Commanders of the volunteer companies shall transmit on or before the twenty-fifth day of April, annually, to each commander of companies in the active militia, the name, age, and date of enlistment of each member of their company residing within the limits of such companies.

SECT. 115. The rolls of the several companies shall, at all times, be open to the inspection of any officer of the regiment, brigade, or division to which it is attached, or to any assessor of the town wherein the company, or any part thereof is raised.

SECT. 116. A fair and exact roll of each company shall be kept by the clerk, under the direction of the commander, with the state of the arms, uniforms and equipments furnished to each man, in the form prescribed for the returns of the militia by the commander-in-chief. Such rolls shall be annually revised in the month of April, and corrected from time to time, as the state of the company and alterations in it may require.

SECT. 117. An orderly book shall also be kept in each company, by the clerk, under the direction of the commander, and the proceedings of the company, orders received and issued, and exact details of drafts and detachments, shall be recorded therein. Fines and forfeitures, with the time when, and the offense, neglect, default or deficiency for which they were incurred, money collected by him, with the names of the persons from whom collected, and all delinquencies and deficiencies, shall be recorded in said book, which shall not be alienated from the company, and be always open to the inspection of its officers.

SECT. 118. At the conclusion of each encampment, and of any duty performed under section one hundred and nine, commanders of companies shall make correct duplicate returns of their several companies for each day of the encampment or review, upon which the commander of the regiment to which the company belongs shall certify whether such company, on each of the days of such encampment or duty, well and faithfully performed the duties required by law, and the number of officers, non-commissioned officers, musicians and privates therein reported as present and doing duty each day, is correct. He shall deliver one of such returns to the brigade inspector, and transmit the other, within ten days after said tour of camp or other duty, to the adjutant general.

SECT. 119. The commander of a company, within ten days after each tour of camp duty, or any duty performed under section ninety-six, shall make a correct alphabetical pay-roll of his company, containing the names of the members who appeared, armed, uniformed and equipped, and performed all the duties required on the days of such encampment, or other duty, and showing the duty done by each member, and transmit the same, certified under his oath to be correct and true, to the adjutant general. Such roll shall not contain the name of a private who has done duty as a musician, and the whole number so returned shall in no case exceed the number allowed to his company by section twenty-five.

SECT. 120. A commanding officer of a company who neglects to make the returns required by the two preceding sections, shall forfeit

twenty-five dollars, and for making a false return in any case, shall forfeit one hundred dollars to the state, to be prosecuted for by the officer to whom the return should be made.

SECT. 121. The master of every brigade band shall, within ten days after a parade thereof, made under order of the commander of the brigade to which such band belongs, make and transmit to the adjutant general an alphabetical list of the men who appeared in uniform and performed duty on such day, the last return to be made on or before the tenth of November; upon which the commanding officer to whom the band was ordered to report for duty, shall certify that the duty was well and faithfully performed. For neglect to make such return, the master shall forfeit twenty-five dollars, and for making a false return one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

SECT. 122. On the last day of each tour of camp duty, or duty performed under section one hundred and nine, commanders of regiments shall make correct certified rolls of the field and staff officers of their several commands on duty for each day, specifying the names, rank and duty done by each officer who appeared armed, uniformed and equipped, on any day, and deliver the same to the brigade inspector. Every officer neglecting to make such returns, shall forfeit for each offence fifty dollars, and for making a false return in any case two hundred dollars, to be prosecuted for by the officer to whom the return should be made.

SECT. 123. Brigade inspectors within twenty days after each tour of camp or other duty done by their respective brigades, or the regiments thereof shall make and transmit to the commander of the brigade a correct return of such brigades, reporting therein the condition of the arms, accoutrements and ammunition of the several corps, with such suggestions relating to the government of the militia, and the advancement of order and discipline as in his judgment may be required; and also in like manner make and transmit to the commander of division a certified roll of the names of the general field and staff officers of their several brigades, specifying the rank of and duty done by each one who appeared uniformed and equipped, and performed duty on any day.

For neglect to make either of said returns, each brigade inspector shall forfeit seventy-five dollars, and making a false return in any case, three hundred dollars, to be prosecuted for by the officer to whom the return should be made.

SECT. 124. Commanders of brigades shall, within thirty days after each tour of camp or other duty performed by troops under their respective commands, transmit to the commanders of their divisions a correct return of their respective brigades, as furnished by the brigade inspectors under the preceding section.

Commanders of divisions shall, within ten days after the receipts of such returns of brigades under their respective commands, transmit to the office of the adjutant general, correct returns of the state of their divisions, as derived from such brigade returns.

Each officer, for neglect to make the returns required of him under this section, shall forfeit for each offense one hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Sect. 125. Commanders of divisions shall, annually, on or before the first day of November, make and transmit to the office of the adjutant general, a certified roll of the general field and staff officers in their respective divisions, specifying the name, rank, and duty done by each one who has appeared armed, uniformed and equipped and performed duty, on any day.

For neglect to make such return, such commander shall forfeit one hundred dollars, and for making a false return in any case five hundred dollars, to be prosecuted for by the officer to whom the return should be made.

Calling out the militia in case of war, invasion, insurrection, tumults or riots.

SECT. 126. When an invasion of, or insurrection in, the state shall be made or threatened, the commander-in-chief shall first call upon the active and volunteer militia to repel or suppress the same; and may order out any divisions, brigades, regiments or companies thereof; or may order to be detached any parts thereof, or if required, may order any number of men to be drafted from the reserved militia, and may cause officers to be detailed, sufficient with those attached to the troops, to organize the forces. If such invasion or insurrection, or imminent danger thereof, in any part of the state be so sudden that the commander-in-chief cannot be informed and his orders received and executed in season to resist or suppress the same, any commander of division in such part of the state may order out his division, or any part thereof, as the commander-in-chief might do.

SECT. 127. When a draft from the militia is ordered, the drafted men shall be organized by the commander-in-chief, agreeably to section thirteen.

SECT. 128. If a company of the volunteer or active militia without officers is ordered to march, or a detachment is ordered therefrom, the commander of the regiment shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field, or to make a detachment therefrom, as the captain of such company would have; and shall be under the same responsibility.

SECT. 129. Every non-commissioned officer or soldier so ordered out, detached or drafted, who shall not appear with such arms and equipments as have been furnished to him, at the appointed time and place, or provide a substitute, shall be taken to be a soldier absent without leave, and forfeit fifty dollars to the use of the state; and each soldier ordered out, detached or drafted, when so ordered shall take with him provisions for not less than three days.

SECT. 130. The selectmen of a town and the mayor and aldermen of a city to which men so ordered out, detached or drafted, belong, when required in writing by the commander of a regiment or detachment, shall provide transportation to attend them with further supplies of provisions, and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts, as is provided in section one hundred and fifty-three. For any neglect by mayor and aldermen or selectmen under this section, their city or town shall forfeit not less than twenty nor more than five hundred dollars. The officer, to whom any articles above mentioned are delivered, shall be responsible that care is taken of the same.

SECT. 131. When there is, in any county, a tumult, riot, mob, or a body of men acting together by force with intent to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the state, or of the United States, or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, or the mayor of a city, or to a court of record sitting in said county, or, if no such court be sitting therein, then to a justice of such court, or, if no justice is within the county, then to the sheriff thereof, the commander-in-chief may issue his order, or such mayor, court, justice or sheriff, may issue a precept, directed to any commander of a division, brigade, regiment or corps, directing him to order his command, or a part thereof, describing the kind and number of troops, to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws; which precept, if issued by a court, shall be in substance as follows:

——, *ss.* L. S. STATE OF MAINE.

To (insert the officers' title.) A. B. commanding. (insert his command.)

Whereas, it has been made to appear to our justices of our , now holden at , within and for the county of , that (here state one or more of the causes above mentioned,) in our county of , and that military force is necessary to aid the civil authority in suppressing the same; now, therefore, we command you that you cause, (here state the number and kind of troops required,) armed, equipped, and with ammunition, as the law directs, and with proper officers, either attached to the troops, or detailed by you, to parade at , on , then and there to obey such orders as may be given them according to law. Hereof fail not at your peril; and have you there this writ with your doings returned thereon.

Witness, G. T. B., Esq., at , on the day of , in the year . C. D., *Clerk.*

And if the same be issued by a mayor, justice or sheriff, it shall be under his hand and seal, and otherwise varied to suit the circumstances of the case.

SECT. 132. The officer to whom the order of the commander-in-chief or such precept is directed, shall forthwith order the troops therein mentioned to parade at the time and place appointed. If he refuses or neglects to obey such order or precept, or if an officer neglects or refuses to obey an order issued in pursuance thereof, he shall be cashiered and punished by fine or imprisonment not exceeding six months, as a court martial may adjudge. And a non-commissioned officer or a soldier neglecting or refusing to appear at the place of parade to obey an order issued in such case, shall forfeit fifty dollars to the use of the state. And any person advising or attempting to persuade an officer or soldier to refuse or neglect to appear at such place or to obey such order, shall forfeit two hundred dollars to the use of the state, or be imprisoned not exceeding six months.

SECT. 133. Such troops shall appear at the time and place appointed, with such arms, equipments and ammunition as has been furnished them, and shall obey and execute such orders as they may then and there receive according to law.

SECT. 134. Requisitions by the president of the United States for militia for active service shall be supplied by the commander-in-chief in the manner following, to wit:

First, the active and volunteer militia.

Second, the reserve militia.

The following persons only shall be exempt from a draft, to wit: Such as are rejected as physically or mentally unfit for the service, all persons actually in the military or naval service of the United States at the time of the draft, and all persons who have served in the military or naval service two years during the present war, and been honorably discharged therefrom: *provided, however*, that no person who has been convicted of any felony shall be enrolled or permitted to serve in said forces.

Drafted men may furnish able-bodied substitutes for themselves, who if mustered into the service of the United States shall be received in lieu of their principals for the quota for which the draft is made.

SECT. 135. The commander-in-chief shall issue all necessary orders to fill any requisition for troops made by the United States upon this State and prescribe rules and regulations for carrying into effect the necessary drafts therefor.

SECT. 136. Any person drafted by virtue of the provisions of the two preceding sections shall be considered a soldier in active service, and failing to appear at the place of parade in obedience to any order lawfully issued shall be deemed a soldier absent without leave. And any person, directly or indirectly, advising or in any manner attempting to influence any person to avoid compliance with any order issued in pursuance of the preceding section shall forfeit five hundred dollars or be imprisoned not less than two years.

Compensation.

SECT. 137. General, field and commissioned staff officers shall receive for each day's duty in camp, and according to the returns of the inspecting officers, five dollars, and non-commissioned staff officers three dollars a day, to be paid them from the state treasury, upon the warrant of the governor and council, and according to a pay roll to be made up by the adjutant general.

SECT. 138. Division and brigade inspectors, and adjutants of regiments of volunteer or active militia, shall receive twenty-five dollars annually, in addition to their pay as herein provided.

SECT. 139. Every other officer of the active and volunteer militia, shall receive for each day's duty in camp, two dollars, and each non-commissioned officer and soldier, one dollar.

Every member of a brigade band shall receive, for services performed in obedience to an order of his commander, at the rate of one dollar and fifty cents a day while on duty.

Every member of a mounted company shall receive three dollars per day in addition to the compensation hereinbefore provided, which shall include keeping and forage for horses.

Such sums shall be computed to the adjutant general on the company and band pay-rolls, made out, certified and returned, under sections one hundred and nineteen and one hundred and twenty-one.

After such computation, such pay-rolls shall be transmitted to the mayors and aldermen of the cities and the selectmen of the towns in which such companies and bands are situated as provided in section sixty-three.

Upon receipt of the same, the mayors and aldermen, and selectmen, shall draw their warrants upon their respective treasurers, directing them to pay the amount due to the persons named in such rolls, and shall annually, on or before the first day of December, under a penalty of thirty dollars for neglect in so doing, remit such rolls to the adjutant general, with a certificate endorsed thereon, setting forth that a warrant has by them been drawn on their respective treasurers, in favor of the several persons whose names are recorded therein.

Thereupon the adjutant general shall lay the same, together with his roll of general, field and staff officers entitled to pay, prepared under section sixty-four, before the governor and council, and the governor may draw his warrant on the treasury for such sums as may be necessary to pay such officers and reimburse such cities and towns.

SECT. 140. The compensation provided in the preceding section shall be forfeited for default in making the returns required by sections one hundred and nineteen and one hundred and twenty-one; and no person shall receive compensation who shall not remain in camp and perform all duties required during the period of encampment; except that a person who shall once appear, and be excused further duty by reason of sickness, shall be entitled to compensation for the time he is actually engaged in service.

SECT. 141. No officer or soldier in the volunteer militia shall receive the compensation provided in this chapter, unless he personally performs the duties required by law; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

SECT. 142. When a corps or detachment is ordered on special duty, by the commander-in-chief, under section one hundred and three, or under section one hundred and thirty-one, each member shall receive while in the performance of such duty, the same pay as when performing camp duty, and four cents a mile for travel; but this section shall not apply to cases where the term of service exceeds six days.

SECT. 143. Officers obliged to go out of the city or town of their residence to attend a military election, shall be allowed five cents a mile, each way, for travel.

SECT. 144. Officers composing courts martial, courts of enquiry and military boards, and witnesses attending before them, shall receive five cents for every mile they necessarily travel, in going to and returning from the place of trial, and the following sums for each day of attendance:

To the president of a court martial, court of inquiry, or military board, three dollars.

To the judge advocate of the same, four dollars; which shall be in full compensation, also, for all services of preparing papers before, and making copies after, any trial, inquiry or investigation.

To the marshal and other members of such court, or board, two dollars.

To each witness attending on such court, or board, one dollar and twenty-five cents.

Fees for subpœnas and service of them, shall be the same as in civil cases.

No allowance shall be made for pay or rations for a military guard, unless such guard is ordered by the officer appointing the court; nor shall the above compensation be made to officers in actual service, and receiving pay.

SECT. 145. Every officer or soldier who is wounded, or otherwise disabled, while doing military duty, and the widow, or children, of every officer or soldier who is killed, or dies of wounds received while doing such duty, shall receive from the legislature just and reasonable relief.

SECT. 146. The militia, while in actual service, shall receive the same pay and rations as the regular troops of the United States; and the rations, when commuted, shall be valued at the rate fixed by the regulations of the United States army in force at the time.

Every non-commissioned officer and private who provides himself with a uniform and blanket when called into service, shall receive, monthly, in addition to his stated pay, as follows: sergeants and musicians, four dollars; corporals and privates, three dollars and seventy-five cents; and if he shall not so provide himself, he shall be allowed, monthly, two dollars and fifty cents.

When the militia are discharged from actual service, they shall be allowed pay and rations to their respective homes.

SECT. 147. All military accounts, including claims against the state for money expended in the transmission of military documents to and from the department of the adjutant general, unless it is otherwise specially provided by law, shall be transmitted to the adjutant general and examined, and if found correct, certified by him. They shall then, unless it is otherwise specially provided by law, be presented to the governor and council for examination, and if found correct shall be certified by them and paid to the persons to whom they are severally due, or to their order, at the treasury of the state. And no military account shall be certified by the adjutant general or allowed by the governor and council, unless presented to the adjutant general for allowance within the time prescribed by law.

Excuses.

SECT. 148. Every non-commissioned officer or private having bodily infirmity, may be exempted from military duty, if he obtain from the surgeon or assistant surgeon of the regiment, or detached company, to which he belongs, or if there be no such officers commissioned in such regiment or company, then from some respectable physician living within the bounds of the same, a certificate that he is unable to do military duty, on account of bodily infirmity, the nature of which shall be described in such certificate; and the captain or commanding officer of his company may, on the back of the certificate, discharge the non-commissioned officer or private named therein from performing military duty, for a term of time which he shall judge reasonable, not exceeding one year; which certificate, when countersigned by the colonel or commanding officer of said regiment or company, shall, for the time specified, exempt him from military duty, except attendance at the election of officers. If such non-commissioned officer or private, having obtained such certificate, shall be refused a discharge or an approval of a discharge, he may apply to the commanding officer of the division or brigade, who may discharge him from military duty for such a time, not exceeding one year, as he shall judge reasonable, by endorsing the same upon the surgeon's certificate.

SECT. 149. The surgeon or assistant surgeon shall be entitled to receive for the examination or examinations of any soldier applying for exemption from military duty, twenty-five cents in any one year, to be paid by the applicant; and any surgeon or assistant surgeon who shall ask or receive from any person enrolled in the militia any additional compensation for such an examination shall forfeit fifty dollars, to be recovered on complaint of the adjutant of the regiment or corps to which the surgeon belongs, to the use of the regiment or corps.

SECT. 150. Excuses for the non-appearance of a soldier, shall be made to the commanding officer of his company, or the officer detailed to train and discipline the company, under section thirty-three, within twenty days after a parade, or other military duty, from which he has been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him, with the approval of the commander of the regiment; but no such officer shall receive an excuse for non-appearance after the expiration of the twenty days. No excuse shall avail such soldier on a prosecution for the recovery of a fine or forfeiture, unless proved to have been made to such officer before the expiration of the twenty days, unless the delinquent satisfies the court or justice before whom the case is tried, that it was not in his power to make such excuse within the time. Such officer shall inform their clerks of all excuses allowed for non-appearance.

SECT. 151. No commanders of companies shall receive excuses for deficiencies of equipment.

SECT. 152. When a person is entitled to exemption from military duty upon presenting evidence of the cause of his exemption to his commanding officer, within or before a certain time, as provided in sections eight and ten, and shall omit so to present such evidence, it shall not avail him, by way of excuse, upon a prosecution for a particular absence or default, unless he makes his excuse to the commanding officer within twenty days after the training, or satisfies the court or justice it was not in his power to make such excuse within the time.

SECT. 153. When a person shall claim to be exempt from enrolment by reason of his age, the burden of proof respecting his age shall, in all cases of doubt, be upon him.

Prosecution for fines.

SECT. 154. Fines and forfeitures incurred by members of volunteer companies, may be collected by such persons and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof may determine.

SECT. 155. Fines and forfeitures incurred by members of the active militia shall be collected in the following manner, to wit: The clerk of each company, after the expiration of twenty days, and within forty days after parade, election of officers, inspection training, review or encampment, shall in those cases where fines are to be collected upon his complaint, make and subscribe an information against the offending soldiers or non-commissioned officers who have not been excused by the commander of the company, under section one hundred and fifty, or who have not within the twenty days aforesaid, paid to him the forfeiture they have incurred, which information shall be left with some justice of the peace or filed in some police court in the county in which the offender resides. Such information shall be in substance as follows:

To A B, Esq., justice of the peace within and for the county of , or to the justice of the police court within and for .

I, the subscriber, clerk of the company commanded by , do hereby give information against the following person [or persons] who, being duly enrolled in said company, and being duly notified to meet with said company, on the day of , in the year , [for inspection or review, election of officers, or special duty, or as the case may be] was guilty of the offences and did incur the forfeitures, set against his name:

Names.	Offences.	Forfeiture. Sums.
A B, non commissioned officer; C D, private,	For unnecessarily neglecting to appear on said day,	has forfeited
E F, . . .	For being deficient of a on said day,	has forfeited
G H, . . .	For being on said day guilty of coming on to the parade with his arms loaded,	has forfeited
I K, . . .	For unnecessarily discharging his musket, rifle, or pistol in going to or return from, or on the place of parade, without the orders of an officer.	has forfeited
L M, . . .	For leaving his guard, section, platoon or company, without the leave of an officer,	has forfeited

[And in the same manner, substantially, all other offences are to be set forth against offending non-commissioned officers and privates.]

I, therefore, agree bly to my oath of office, and in compliance with the requisitions of the law in this behalf, request you to issue a summons, directed to the person named in the above information, to appear before you, and show cause, if any he has, why it should not be adjudged that he pay the forfeiture set against his name, for the offence which he is therein alleged to have committed.

Dated at , this day of , in the year . A. B., clerk of the company commanded by .

The justice or court shall file the same; and upon motion of the clerk shall, within nine months, and not afterwards, issue a summons to each person informed against, to be served at least seven days before the time appointed for showing cause.

The summons if issued by a justice of the peace, shall be in substance as follows:

——, *ss.*

[Seal.] To the sheriff of said county, or either of his deputies, or either of the constables of the town of , in the county aforesaid, greeting:

In the name of the State of Maine, you are hereby required to summon C. D., of in the county aforesaid, to appear before me, E. F., one of the justices of the peace aforesaid, at , in , on the day of , at of the clock in the noon, then and there to show cause, if any he has, why judgment should not be rendered, that he has forfeited for [here insert the offence, and the time when and place where it was committed.] Hereof fail not, and make due return of this writ, and your doings thereon, unto myself, on or before the said hour of the day of .

Dated at aforesaid, the day of , in the year . E. F., Justice of the Peace.

If issued from a police court, as follows:

——, *ss.* STATE OF MAINE.

[Seal.] To the sheriff of the county of or either of his deputies, or either of the constables in the town of , in said county, greeting:

We command you to summon C. D., of in said county, to appear before our justices of our police court, to be holden at , within and for our , on , then and there to show cause, if any he has, why judgement should not be rendered, that he has forfeited for [here insert the offence, and the time and place where it was committed]. Hereof fail not, and have you there this writ, with your doings thereon.

Witness W. S., Esq., at , on the day of year . T. P., Clerk.

[or witness my hand and seal at on the day of in the year of our Lord . A. B., Justice of said Court.]

When the person summoned appears, he may plead that he is not guilty, and give any special matter in evidence.

Upon the trial of such complaint, made by the clerk of a company, it shall be sufficient for the complainant to prove that he is clerk of the company; for which purpose he shall produce his warrant as a non-commissioned officer, and prove the signature thereto of the colonel or commanding officer of the regiment, and that at the time of signing such warrant he was reputed to be and acted as such colonel or commanding officer; which shall be *prima facie* evidence that such complainant was appointed a non-commissioned officer by the captain or commanding officer of such company, and that a legal return of such appointment was made to the colonel or commanding officer of the regiment.

He shall then show, upon the back of his warrant, a legal certificate of his appointment as clerk, and qualification as such by taking the oaths required by law. For which purpose he shall prove the signature of the captain or commanding officer of such company, and that he is such captain or commanding officer, by producing his

commission as such; but if the clerk is appointed [illegible] his appointment may be proved by the records of the company.

He shall then produce the roll of the company, and prove that the defendant resided within the limits of the company, and was enrolled or enlisted therein at the time he was notified of such meeting.

He shall then produce the order of the commanding officer of such company to notify the said meeting or meetings thereof, and prove his signature thereto, and that the defendant was legally notified of the time and place of such meeting or meetings.

If it is required by law that the order for such military duty shall in such case be given by any officer superior to the commanding officer of a company, then the orders of such superior officer, and all intermediate orders of officers transmitting the same to the commanding officer of the company shall be proved, and that the persons purporting by such orders to be such officers, are such; for which purpose, it shall be sufficient to produce the transmitted written or printed copies of such orders, and the regimental or other last order, transmitting the same to the commanding officer of the company; to prove the signature of the proper officer to such regimental or other last order, transmitting the same; and to prove that all the officers above mentioned are reputed to be such officers and act as such.

The absence or offence of the defendant shall then be proved, to show that he is liable to the fine alleged to be incurred by him; and in case of absence, the burden of proof shall be upon him to show that his absence was necessary.

The evidence above described shall be taken to be prima facie sufficient to support the complaint.

When it appears that a document or paper above mentioned cannot be produced, satisfactory secondary evidence thereof shall be received.

Upon the hearing of such case, the testimony of the clerk, or other person who was ordered to notify the whole or part of the company, shall be *prima facie* evidence of notice to the defendant and that he neglected to appear.

The certificate of the surgeon of the regiment, or assistant surgeon, approved as hereinbefore provided, that the defendant was unable to perform military duty at the time of his absence, shall be *prima facie* evidence that he ought to be excused for a particular absence, if the provisions of section one hundred and fifty have been complied with; but any permanent disability, or such temporary excuse, may be proved by parole.

If the defendant makes default, or judgment is rendered against him, and he neglects for two days after to satisfy the same, with legal costs, execution shall be issued therefor; which execution, issued by a justice of the peace, shall be in substance as follows, but if by a police court, shall be so altered as to conform to the summons:

——— ss. STATE OF MAINE.

[Seal.] To the sheriff of said county, or either of his deputies, or either of the constables of the town of , in same county, on the day of , before J. D., Esq., one of our justices of the peace for our county aforesaid, recovered judgment against T. P., of , for the sum of fine or forfeiture, and costs of prosecution, as to us appears of record, whereof execution remains to be done: We command you, therefore, that of the money of the said T. P., or of his goods or chattels, within your precinct, at the value thereof in money, you cause to be levied, paid and satisfied, unto the said E. L., the aforesaid sums, being in the whole; and also, out of the money, goods and chattels of the said T. P., you levy twenty-five cents more for this writ, together with your own fees; and for want of such money, goods or chattels of said T. P., to be by him shown unto you, or found within your precinct, to the acceptance of the said E. L., for the aforesaid sums, we command you to take the body of the said T. P., and him commit unto our jail in B., and we command the keeper thereof accordingly to receive the said T. P. into our said jail, and him safely keep, until he pay the full sums above mentioned, with your fees, or that he be discharged by the said E. L., or otherwise, by order of law. Hereof fail not, and make return of your doings therein, unto our said justice, within twenty days next coming.

Witness, our said justice at B., the day of , in the year one thousand .

J. D., Justice of the Peace.

The complaint or summons may be amended in any stage of the proceedings without payment of costs; and the defendant shall be allowed an adjournment or continuance of the case, if justice requires it. The clerk shall not be liable to pay costs to a defendant in a case in which the commanding officer of his company has certified, upon the information of the clerk, his approval of the same. And no appeal shall be allowed from any such judgment, unless the forfeiture adjudged exceeds ten dollars, exclusive of costs.

A complaint, by any other officer, shall be prosecuted in the like manner so far as the same is applicable thereto, the forms being varied accordingly; and he shall prove his authority by producing his commission and other competent evidence which may be necessary.

SECT. 156. No person shall be imprisoned upon an execution issued upon the complaint and judgment described in the preceding section, for a longer time than six days; but shall, at the expiration of that time, be discharged by the keeper of the jail to which he is committed. The judgment debtor shall remain liable for the amount of the judgment and the costs of imprisonment; and execution for the whole of the same may be sued out against the property of such debtor.

SECT. 157. The clerk of each company or other officer prosecuting such complaint shall retain to his own use from the forfeitures so collected, the amount of the expenses incurred by him in prosecuting the same, and, upon demand, pay the remainder to the commander of the company, regiment or corps entitled to the benefit thereof, who shall give his receipt therefor, and expend the same in defraying such exposes of the company, regiment or corps, as a majority of the commissioned officers thereof shall judge necessary. All captains or commanders of companies, and all other officers authorized by this act to direct or control the collection of fines, shall report annually, to the adjutant general, through the usual channels of military communication, the amount of fines imposed, the amount collected, and the disposition thereof.

Courts martial.

SECT. 158. All complaints upon which courts martial are ordered, shall be in writing, and signed by the complainant, and shall clearly specify the offence, and the time when and place where it was committed.

No officer shall be tried by court martial for an offence committed more than one year before the complaint, unless his absence or other manifest impediment has prevented a complaint within that time; nor on a charge preferred by a soldier, unless for an offence committed while in the actual service of the state or of the United States, nor unless such charge is preferred before such soldier has left the service.

SECT. 159. Every officer to be tried by court martial shall be put under arrest.

The judge advocate shall deliver to the accused a copy of the charges against him, and a notice of the time and place of trial, ten days at least before the day of trial; and if he objects, and the court shall be satisfied that he has not received the same, they shall adjourn, so as to allow the time required to elapse, after the delivery of the notice and copies.

SECT. 160. Courts martial shall consist of a president, judge advocate, nor more than four nor less than three members, present at the organization of the court, and a marshal; and shall be holden between the first day of December, and the last day of March, in the day time.

There shall be only one general and one division court martial, in one division, in one year.

General courts martial shall be appointed for the trial of all officers above the rank of captain, by the orders of the commander-in-chief, issued to the divisions which in his opinion can most conveniently furnish members for the same; and he shall appoint a president, not below the rank of brigadier general, and a marshal of said court.

Division courts martial shall be appointed for the trial of officers of and under the rank of captain, by the orders of each commanding officer of a division, in his own division, issued to the brigades, regiments and companies which, in his opinion, can most conveniently furnish members for the same; and he shall appoint a president, of the rank of colonel or lieutenant colonel, and a marshal.

Officers shall be detailed to sit upon courts martial, in manner following: major generals, by the commander-in-chief, from the general roster; brigadier generals and officers of any divisionary corps by the commanding officers of divisions, from the division roster; colonels, lieutenant colonels and majors, and officers of any company attached to a brigade, by the commanding officer of brigades, from the brigade roster; captains and subalterns, by the commanding officers of regiments and other separate corps. And when it appears that an officer detailed [illegible] some sufficient cause unable to serve on a court martial, the officer detailing him, having satisfactory evidence thereof, shall certify such inability to the officer ordering the court martial, and at the same time detail the officer next in rotation on the roster. No senior officer, or superior in rank to the president, shall be detailed.

The officers ordered to detail members shall make returns forthwith to the officer appointing the court, who shall transmit the same to the judge advocate.

The judge advocate of each division shall, when ordered, attend general and division courts martial within his division; but when he is prevented by inability or legal impediment, the officer ordering the court martial shall appoint some person to be judge advocate to the same.

If the officer appointed president shall not attend at the opening of the court, the officer highest in rank present shall be president.

When it is found that by reason of absence, challenge or other cause, the number of members of a general or division court martial, (beside the president,) qualified to act, is less than three, the court shall adjourn for a suitable time; and the president shall forthwith notify the fact to the commanding officer of the division in which such general or division court martial is held; and such commanding officer shall himself detail from the division a number of officers of the same rank as those before detailed, sufficient to complete the court.

If no judge advocate or marshal attends at the opening of the court, the president shall appoint a judge advocate or marshal, which appointment shall be entered on the record and signed by him. The judge advocate acting at the commencement of a trial, shall serve during the trial, notwithstanding the attendance or appointment of any other person afterwards.

Officers on a court martial shall rank by seniority of commission.

The court may adjourn, when it appears to them necessary, before a judge advocate appears, and before they are qualified.

SECT. 161. Before a court martial proceeds to the trial of an officer, the judge advocate shall administer to the president and members, severally, the following oath:

You, A B, do swear, that without partiality, favor, fear, prejudice or hope of reward, you will well and truly try the cause now before you, between the state and the person (or persons, if more than one is accused in the same complaint) to be tried; and that you will not divulge the sentence of this court martial until it shall be approved or disapproved of, and that you will not discover the vote or opinion of a member unless required to give evidence thereof as a witness in due course of law: so help you God.

And the president shall administer to the judge advocate the following oath:

You, A B, do swear, that you will faithfully and impartially discharge your duties as judge advocate on this occasion, as well to the state as to the accused; and that you will not on any account at any time divulge the vote or opinion of any member of this court martial unless required to give evidence thereof as a witness in due course of law: so help you God.

No member shall be challenged by the government or the accused, until the president, members and judge advocate are sworn. Only one member shall be challenged at a time, and the challenge shall be in writing, stating the cause of it. The person challenged shall not vote, but the president and other members shall try whether the challenge is good.

Illegality or irregularity in the detail of a member of the court, shall be good cause of challenge by either party; but shall be considered as waived, unless the objection be taken at the time and in the manner aforesaid.

If the accused neglects to appear and defend, or refuses to plead, or withdraws in contempt of the court, the court may proceed to trial and judgment, as if he had pleaded not guilty.

Persons summoned by the judge advocate or a justice of the peace, shall appear and give evidence before a court martial, but the defendant's witnesses shall have their fees first tendered to them, and the penalties for neglect to appear shall be the same, and the judge advocate may issue a capias, in like manner as in criminal prosecutions.

Before the witnesses testify, they shall be sworn by the judge advocate in the following form:

You, A B, do swear [or affirm], that the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth; so help you God, [or, this you do under the pains and penalties of perjury in case the witness shall affirm.]

When the adjutant general shall be complainant for neglect or default in making returns, he shall not be required to be present, and his certificate shall be sufficient *prima facie* evidence that the return was or was not made, and that a copy of a return is true.

Judge advocates shall be the certifying officers, to authenticate copies of papers and documents used before courts martial, courts of inquiry, or boards of officers, except papers or documents from the adjutant general's office, which shall be certified by him; but copies may be proved as in other courts.

The statement of the complainant and the defence of the accused, and motions, arguments and objections to the proceedings, by either party, and the answers thereto, shall be submitted to the court in writing; the evidence and proceedings in and out of the court, and opinions of the judge advocate on questions of law arising during the trial, shall be put in writing by him. After the prosecution and defence are concluded, he shall state and sum up the evidence, and give his opinion to the court upon matters of law, which opinion with the judgment, he shall put in writing.

When a question is to be decided, the judge advocate shall receive the vote of each member, beginning with the youngest and proceeding to the eldest. The president shall vote; and unless two-thirds of the members agree that the accused is guilty, he shall be acquitted. If two-thirds of the members shall find him to be guilty, he shall be sentenced to be reprimanded in orders, or to forfeit a sum not exceeding two hundred dollars, or to be dismissed from office,—either or all of them; and in the last case he may be further adjudged to be disqualified from holding any military office during life or a term of years.

Courts martial may preserve order during the session and whoever shall, in such court, behave in a disorderly or insulting manner, or make a tumult or disturbance, may be arrested by order of the court and confined not exceeding twenty-four hours, and fined not exceeding five dollars,—either or both. If the fine is not paid, the judge advocate shall issue a mittimus, forthwith to commit such person to prison in the same manner and with the same effect as upon executions from justices of the peace in cases of prosecutions for non-payment of other military fines and costs.

The record of the trial and judgment, with the papers used therein, or copies thereof, certified by the judge advocate, shall be authenticated by his certificate and signature, and sealed up and transmitted by him to the officer who ordered the court, who shall annex thereto his approval or disapproval of the same, and the reasons thereof in writing, and transmit the same as soon as may be to the office of the adjutant general, to be kept and preserved.

The judge advocate shall also make, certify, and transmit the pay roll of the court martial to the same office.

The officer ordering the court, and the party tried thereat, shall receive, upon request, from the adjutant general, a copy of the record; the party tried paying a reasonable sum for his copy.

The judgment of disqualification may, after approval, be reversed in whole or in part, by the commander-in-chief, but all other parts of the sentence, when approved, shall remain in full force

SECT. 162. Every commissioned officer may be tried by a court-martial for the following offences:

For conduct unbecoming an officer and a gentleman when on duty, or to the prejudice of good order and military discipline.

For neglect of any duty required in this chapter.

For disobedience of orders, or an act contrary to the provisions of this chapter.

For oppression or injury of any under his command.

For a combination or attempt to break, resist or evade the laws or lawful orders given to a person, or advising any person so to do.

For insult to a superior officer in the exercise of his office.

For neglecting to exercise his command while under arrest; in which case, if guilty he shall be removed from office.

For neglect or refusal, when commanding officer, to order out the troops under his command, when required by law or ordered by his superior officer.

For excusing, as commanding officer of a company, any person under his command for deficiency or unnecessary absence, or after the expiration of the time allowed by law.

For neglect or refusal to make a draft or detachment when legally ordered to do so.

For neglect or refusal to cause prosecutions to be commenced for fines, when it shall be necessary.

For parading the troops under his command on days of election contrary to the provisions of section one hundred and two.

For receiving any fee or gratuity, as surgeon or assistant surgeon, for a certificate of inability to do military duty and for refusing to examine an able bodied man in his regiment not exempted from [illegible]

For neglect, when detailed to train and discipline a company, or make complaint for neglect or violation of duty as provided by law, or for any other neglect for which a commanding officer of the company would be liable.

For neglect or refusal to march, make a draft, or for disobedience of an order, in case of invasion or insurrection, as provided in sections one hundred and twenty to one hundred and twenty-three, inclusive.

For refusal or neglect to obey a precept or order to call out the militia, or an order issued in obedience thereto, in case of tumult, riot or other cause, as provided in sections one hundred and twenty-five to one hundred and twenty-seven, inclusive, or for advising any officer or soldier to do the like; in which cases the offender shall be cashiered, beside being subject to fine and imprisonment, as provided in section one hundred and twenty-six.

SECT. 163. Any fine not exceeding two hundred dollars, may be inflicted on any officer, by sentence of a general or division court martial, as a part of, or the whole of, such sentence; and such fines shall be prosecuted by the judge advocate, or person appointed to act as such at the court martial, in an action of tort, to the use of the state; and if any judgment for cost shall be rendered against any judge advocate in such case, the officer to whom the execution upon such judgment is delivered, shall demand payment of the execution of the treasurer of the county in which such judgment is rendered, and the said treasurer shall pay the same, and it shall be allowed to said county, in the settlement of said treasurer's account with the state.

Boards of officers.

SECT. 164. The commander-in-chief, when in his opinion it shall be necessary, may call boards of officers for settling military questions, or for other purposes relative to good order and discipline.

SECT. 165. No officer appointing a court martial, or board of officers, shall order a guard for the same, unless, in his opinion, it is necessary for their protection.

SECT. 166. In this chapter the word "soldier" shall include company musicians and all persons in the volunteer or enrolled militia, except commissioned officers, and the word "company" may include battery.

SECT. 167. If elders or overseers of a society of quakers or shakers give the certificate provided in the second section, to a person who does not profess the religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the state, and be imprisoned not exceeding six months. And any person claiming to be exempted from enrolment by virtue of such a certificate, who does not profess the religious faith, or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

SECT. 168. Keepers of taverns or boarding houses, and masters and mistresses of dwelling houses shall, upon the application of the assessors, or any officer or non-commissioned officer of the militia, within whose bounds their homes are situated, or of persons acting under them, give information of the names of persons residing in their houses liable to enrolment or to do military duty; and every person liable to enrolment shall, upon the application, give his name and age; and if such keeper, master, mistress or person refuses to give such information, or gives false information, such keeper, master, mistress or person, shall forfeit and pay twenty dollars, to be recovered on complaint of either of the assessors or officers, or non-commissioned officers aforesaid.

SECT. 169. Civil officers named in this chapter, neglecting or refusing to obey its provisions, shall, except as otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars.

SECT. 170. The provisions of this chapter concerning the powers and duties of the selectmen of towns, shall be construed to include the mayor and aldermen of any city.

SECT. 171. It shall not be lawful for any body of men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, to associate themselves together as a military company or organization, or to parade in public with arms, in any city or town of this state, without the license of the governor therefor, which may at any time be revoked; nor shall it be lawful for any city or town to raise or appropriate any money toward arming, equipping, uniforming, or in any way supporting or sustaining or providing drill rooms or armories for any such bodies of men.

SECT. 172. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men, with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months.

SECT. 173. The tenth chapter of the revised statutes of eighteen hundred and fifty-seven, the twenty-second and thirty-ninth chapters of the public acts of eighteen hundred and fifty-seven, the sixty-second and sixty-fourth chapters of the public acts of eighteen hundred and sixty-one, the one hundred and thirty-fourth chapter of the public acts of eighteen hundred and sixty-two, and the twentieth chapter of the public acts of eighteen hundred and sixty-three, and all laws inconsistent with the provisions of this act, are hereby repealed.

SECT. 174. This act shall take effect upon its approval.

[Approved February 23, 1865.]

AN ACT to amend chapter one hundred and twelve of the laws of the year eighteen hundred and sixty-two, relating to the use of office copies of deeds.

Section one of chapter one hundred and twelve of the public laws of the year eighteen hundred and sixty-two, is hereby amended, so that the section as amended shall read as follows:

In all actions touching the realty, and in all other actions where such title is material to the issue between the parties and where original deeds would be admissable, office copies of such deeds from the registry of deeds may be read in evidence without proof of their execution, when the party offering such office copy is neither a grantee in the deed, nor claims as heir, nor justifies as servant of the grantee or his heirs.

[Approved February 24, 1865.]

AN ACT explanatory of chapter ninety-four of the public laws of eighteen hundred fifty-nine, relating to petitions for review.

SECT. 1. The provisions of chapter ninety-four of the public laws of the year one thousand eight hundred and fifty-nine, shall apply to petitions for review grounded on causes existing at the time that act was passed, whether the petition was then pending, or has been since filed.

SECT. 2. A petition for review grounded on any of the causes described in said act, then or since existing, may be filed at any time within six months after the passage of this act.

SECT. 3. This act shall take effect on its approval.

[Approved February 24, 1865.

AN ACT to amend chapter ninety-one, section three of the public laws of eighteen hundred and sixty-two, defining the time for making application for compensation.

Section three of chapter ninety-one of the public laws of eighteen hundred and sixty-two, is hereby amended by adding thereto the words following: *Provided application be made therefor within five years from and after the time the land shall be taken, authorized by this act; and this act shall take effect when approved by the governor.*

[Approved February 24, 1865.]

AN ACT additional to chapter sixty-three of the public laws of eighteen hundred and sixty-one, and chapters sixty-six and one hundred and twenty-seven of the public laws of eighteen hundred and sixty-two, relating to the families of volunteers.

SECT. 1. No action shall be commenced or maintained against any officer or officers of any city, town or plantation, or any person acting under their direction, for removing the family of any soldier from another city, town or plantation, to their own, when the legal settlement of such family was in the city, town or plantation to which they were removed, and such family was well treated and made comfortable thereby, and such removal took place prior to the act of March twenty-fifth, eighteen hundred and sixty-three, and was made in good faith on the part of said officers, and with the belief that their official duty required it.

SECT. 2. No costs shall be recovered by either party in any such action, but the same shall be dismissed without costs.

SECT. 3. This act shall take effect on its approval by the governor.

[Approved February 24, 1865.]

AN ACT to amend chapter two hundred and eighty of the public laws of eighteen hundred and sixty-four.

SECT. 1. Chapter two hundred and eighty of the public laws of eighteen hundred and sixty-four, is hereby amended by striking out all of said chapter after the word "witness."

SECT. 2. This act shall take effect upon its approval.

[Approved February 24, 1865.]

AN ACT to protect menhaden or porgies in the waters of the coast of Maine.

SECT. 1. No person shall set or use any seine within three miles of the shore in any waters of this state, for the purpose of taking menhaden or porgies; but a net for meshing menhaden or porgies, of no more than one hundred and thirty meshes deep, shall not be deemed a seine.

SECT. 2. All vessels, boats, craft and apparatus of every kind employed in seineing menhaden or porgies, or having on board any such fish taken in violation of the provisions of this act, shall be liable for any fines and costs, and may be seized and held as herein provided; and any person or persons may seize and detain said property, not exceeding twenty-four hours, in order that it may be attached by due process of law to satisfy any judgment that may be rendered.

SECT. 3. Any person violating any of the provisions of this act shall pay a fine of not less than four hundred, nor more than one thousand dollars, and forfeit all vessels, boats, craft and apparatus employed in such unlawful fishing, for each offense, and all penalties herein named may be recovered in an action of debt, in the name and to the use of the county, or in the name of any person suing therefor, one-half of such fines to be paid to the person prosecuting, the other half to the county where the offense is committed.

SECT. 4. All acts and parts of acts, inconsistent with this act, are hereby repealed.

SECT. 5. This act shall take effect when approved by the governor. [Approved February 24, 1865.]

AN ACT to increase the salary of the register of probate for the county of Hancock.

From and after the passage of this act the salary of the register of probate for the county of Hancock, shall be five hundred dollars, instead of three hundred and seventy-five dollars, as now provided.

[Approved February 24, 1865.]

AN ACT to repeal an act entitled "An Act to promote safety of travel on railroads," approved March fourteen, eighteen hundred sixty.

SECT. 1. The act entitled an act to promote safety of travel on railroads, approved March fourteen, eighteen hundred sixty, is hereby repealed.

SECT. 2. This act shall take effect when approved by the governor. [Approved February 24, 1865.]

AN ACT to enable the banks of this state to become banking associations under the laws of the United States.

SECT. 1. Any bank incorporated by the laws of this state may become a banking association under the laws of the United States. And when two-thirds in interest of its stockholders shall have given their assent to the change and conversion of a bank into such banking association, and the requisite forms have been complied with, such bank shall be deemed to have surrendered its state charter: subject, however, to all the provisions of law made and provided for banks which have surrendered their charters, in regard to their liabilities, the collection of debts and the closing of their concerns. But said bank shall be held liable for the redemption of its bills for three years after the surrender of its charter.

SECT. 2. When a bank, at a legal meeting of its stockholders, has voted to become a national association, and two-thirds of its stockholders in interest have authorized the directors to make the certificate and execute the papers required by the laws of the United States, the cashier shall publish notice thereof for thirty days in a newspaper printed in the county in which such bank is established, and if there be no newspaper printed in the county, then in one published in an adjoining county.

SECT. 3. At a meeting of the stockholders of any such bank as aforesaid, each stockholder shall be allowed to cast one vote for every share in the capital stock owned by him or her on the question of converting said bank into a national banking association aforesaid; and every stockholder who is absent may vote by proxy, or may give his or her assent in writing to such surrender and conversion, which shall be equally valid.

SECT. 4. Any stockholder who has not assented to or joined in authorizing such conversion, and shall, within thirty days from the expiration of the notice thereof herein provided to be given by the cashier, notify said bank of his desire to surrender his shares therein, shall be entitled to receive the fair market value of said shares at the time of declaring the last dividend, with interest thereon, upon his surrendering his certificate of stock. And the said bank shall pay the said fair market value, with interest as aforesaid, within thirty days after such notice. And if there be any fractional shares or parts of shares of such surrendering bank, their value shall be in the same ratable proportion, and the holders of such shares or portion of shares shall be paid the same proportion as above determined on surrendering the certificate of the same to said bank. And if the parties cannot agree upon the value of the shares at the time above mentioned, the fair market value shall be appraised and determined by the bank commissioners, who shall be summoned for that purpose, whose decision shall be final. And the bank so surrendering its charter may reduce its capital stock to the extent of the par value of the shares so surrendered, or may dispose of such surrendered shares or fractional parts of shares to any person or persons without any reduction of capital.

SECT. 5. Any bank established by authority of this state, which shall avail itself of the provisions of this act, to become a banking association under the laws of the United States, shall, before surrendering its charter, give security to the state, to the satisfaction and acceptance of the bank commissioners, either by furnishing to the state a sufficient bond or by depositing stocks or other securities with the state treasurer, or by both; that all bills of said bank, issued before or after becoming such association, and actually in circulation, shall be fully and promptly redeemed on demand by such association, and when so redeemed shall not be re-issued or again put into circulation, but shall be destroyed; *provided, however*, if at the time of its being authorized to act as a national banking association it shall be made to appear to the bank commissioners that such association cannot immediately procure from the comptroller of the currency of the United States circulating notes to use as currency, in place of the bills so required to be redeemed and destroyed, they may authorize such bank to re-issue and continue in circulation such bills for a period, to be fixed by such commissioners, not exceeding twelve months after being authorized to act as a national banking association, and not subsequent to the receipt of such circulating notes of the United States, as it shall be entitled to receive by the provisions of the act of congress to provide a national currency; *provided* that nothing herein contained shall authorize any banking association at any time to have in circulation bills of all kinds exceeding the amount permitted under the act of congress establishing such association. A certificate of the bank commissioners, authorizing the re-issue of such circulating notes, shall be sufficient evidence of the authority so granted. All conversions of state banks into national banking associations under the laws of the United States, made before the passage of this act, are hereby legalized and made valid; upon condition that, within thirty days after the passage of this act, such banks shall give the same security to the state as that required in this section of state banks hereafter availing themselves of the provisions of this act. Banks established by authority of this state, which become banking associations under the laws of the United States shall continue to make returns to the secretary of state, for publication, of their outstanding circulation, so long as the same is required to be redeemed.

SECT. 6. The bond and securities, as required by section five to be deposited with the state treasurer, with the approval and by permission of the bank commissioners, may be changed or reduced, from time to time, as the bills of the bank are redeemed and destroyed, and evidence thereof furnished to said commissioners. Said bond to be canceled and securities given up at the expiration of three years.

SECT. 7. When a bank has surrendered its charter for the purposes aforesaid, the officers thereof shall furnish to the secretary of state a certificate of their having become a banking association under the laws of the United States, and the secretary shall cause notice to be published in the state paper, and also in some newspaper printed in the county, or one adjoining to that where such bank is located, and the charter shall thereupon be deemed to be surrendered, subject to the provisions of this act.

SECT. 8. When the charter of any bank shall be surrendered to the state, in pursuance of the provisions of this act, all the assets, real and personal, of the said bank, shall immediately, by act of law, and without any conveyance or transfer, to be vested in and become the property of said association for carrying on the business of banking formed as aforesaid.

SECT. 9. Nothing herein contained shall be construed as releasing such association from its obligation to pay and discharge all the liabilities incurred by the bank before becoming such association. And the supreme judicial court shall have jurisdiction in equity to restrain and enjoin any person or corporation from circulating the bills of any bank which has closed its business, or become a banking association under the laws of the United States, contrary to the provisions of this act or of the laws of the state.

SECT. 10. Whenever the shares of any stockholder in any bank organized under the laws of this state are attached upon mesne process, and the stockholders of such bank elect to convert the same into a national banking association, in the mode provided in this act, the lien upon such shares created by the attachment shall be continued upon the shares in the national banking association, which shall be received in lieu of the same by the owner thereof; and in case the owner of the shares so under attachment shall decline to enter the national banking association, and claim the value of his stock, the officers of such bank shall cause the value of the same to be estimated in all respects, in the manner prescribed in the fourth section, when the stockholder has not assented to, or joined in authorizing the conversion provided in this act, and, shall without charge hold the amount thereof as keepers for the officer, until the shares shall be seized and sold on the execution issued upon the judgment obtained in the action in which the attachment is made and existing, or the attachment shall be vacated by lapse of time or otherwise.

SECT. 11. In all cases where any bank within this state has heretofore surrendered, or shall hereafter surrender its charter, such bank is hereby prohibited from receiving any moneys on deposit after the first day of April, eighteen hundred and sixty five, and also from re-issuing any of its bills thereafter which may be or shall thereafterwards come into its possession, and if any cashier or other officer of such bank shall violate either of these provisions, he shall forfeit the sum of one hundred dollars for each offense, to be recovered upon indictment, one half part thereof to the complainant, and the other to the state.

SECT. 12. It shall be the duty of the directors of any such bank to close up its affairs as speedily as the same can reasonably be done, and for that purpose from time to time to make a division of so much of its capital and surplus earnings among its stockholders pro-rata, whenever and as fast as the same can be done without endangering the security and rights of the outstanding bill holders and other creditors of said bank.

SECT. 13. Whenever the directors of any such bank or a majority thereof shall, after the written request of any one or more of the stockholders, refuse or fail to make any division of its capital and surplus earnings as aforesaid, it shall be the duty of the bank commissioners upon request of any stockholder to examine into the state and financial condition of said bank and to determine what portion of its capital and surplus earnings, if any, can properly and safely be divided among the stockholders; and to certify their decision to the president of said bank; and the directors shall forthwith, or at such time as the said bank commissioners in their certificate may fix, make a division in accordance therewith; and whenever said directors or a majority thereof shall fail to comply with such decision, any one or more of the stockholders of said bank may make complaint thereof to any one of the justices of the supreme judical court who may hear the same either in term time or vacation, and such justice after notice to said directors and hearing upon said complaint, may make such decree and issue such order in relation to such division as he may deem proper, and the directors of said bank shall be bound to act accordingly; and the said justice may impose upon such directors as have been delinquent such reasonable costs as he may deem proper and just, including reasonable expenses.

SECT. 14. The provisions of the three preceding sections of this act shall not apply to banks which have converted or shall hereafter convert their assets into national banking associations under acts of congress and the acts of this state for facilitating such conversion.

SECT. 15. This act shall take effect from and after its passage. [Approved February 24, 1865.]

AN ACT to fix the sum to be paid hereafter by the state to persons enlisted or drafted into the service of the United States.

SECT. 1. No bounty shall hereafter be paid from the treasury of this state to persons enlisted or drafted into the military or naval service of the United States, and assigned to the quota of this state, under any call of the president heretofore made, beyond the sum of one hundred dollars per man; *provided, however*, that this act shall not apply to recruits enlisted prior to the publication of order number thirty-two, issued from the office of the adjutant general, under date of November four, eighteen hundred sixty-four.

SECT. 2. This act shall take effect when approved. [Approved February 24, 1865.]

AN ACT in relation to the collection of taxes.

That chapter six of the revised statutes of this State be amended by striking out section eighty-two in said chapter, and substituting the following, to wit:

SECT. 82. The voters of a town at their annual town meeting for the election of town officers, may choose a collector or collectors of taxes and agree what sum shall be allowed as a compensation for the performance of their duties; but if none are chosen, or if those chosen refuse to serve or give the requisite bonds, the assessors may appoint a suitable person to act as constable and collector for the collection of taxes. [Approved February 24, 1865.]

AN ACT in relation to the assessment of taxes.

In any proceeding now or hereafter commenced, wherein the power and authority of assessors to make an assessment upon any property shall arise, the rule prescribed by section fifty-three of chapter six of the revised statutes, and the provisions of chapter one hundred and thirty-eight of the public laws of eighteen hundred sixty-two, shall not be construed as a conclusive rule and limitation upon the assessors in making the assessment.

[Approved February 24, 1865.]

AN ACT to amend section three of chapter one hundred and thirteen of the public laws of eighteen hundred and sixty-two, relating to taxes upon certain towns and plantations.

SECT. 1. Section three of chapter one hundred and thirteen of the public laws of eighteen hundred and sixty-two, is amended by adding thereto the words following: And any prior organization of any such plantation for election purposes shall cease to have any legal effect; and the officers chosen under the organization provided for in this section, shall, as soon as may be, be qualified to discharge the duties of their respective offices; and for failure to do so, shall be subject to the penalties provided in such case in chapter three of the revised statutes for town officers.

SECT. 2. This act shall take effect when approved by the governor. [Approved February 24, 1865.]

AN ACT additional concerning railroads.

SECT. 1 A railroad corporation may take and hold real estate necessary for depot purposes, and when the parties interested do not consent thereto, and cannot agree upon other persons to determine the question of necessity and the extent thereof, the said corporation may make application to the railroad commissioners of this state to view the premises and determine whether, and how much of such estate is necessary for the reasonable accommodation of the traffic and appropriate business of the said corporation.

SECT. 2 The said application shall be in writing and shall set forth a definite description of the estate, giving the name of the owner or owners or other parties interested, and a hearing thereon shall be had, at the expense of the said corporation, at such time and at such place in the vicinity of the premises, as the said commissioners shall appoint, of which notice shall be given to all parties interested, in such manner as the said commissioners shall direct, fourteen days at least before the day appointed for the said hearing.

SECT. 3. If the said commissioners shall adjudge and determine, after such hearing, that the estate in question is necessary for the use of the corporation as aforesaid, they shall furnish to the said corporation a certificate of their adjudication, together with a definite description of the estate so found by them to be necessary to the said corporation, which shall be filed with the clerk of the courts in the county in which the land lies, and thereupon the said corporation may enter upon, locate, and take the said estate to the extent set forth in the said certificate; and the provisions of chapter fifty-one of the revised statues and of all subsequent acts amendatory thereof shall be applicable to all further proceedings in relation to the taking of the said estate, and the estimation and payment of damages therefor.

SECT. 4. Nothing in this act shall be construed to authorize the taking of any meeting house, dwelling house, or public or private burying ground, without the consent of the owners.

SECT. 5. This act shall take effect when approved. [Approved February 24, 1865.]

AN ACT to increase the salary of the register of probate for the county of York.

SECT. 1. That the salary of the register of probate for the county of York shall be nine hundred dollars, instead of the salary now established by law, commencing on the first day of January, in the year of our Lord one thousand eight hundred and sixty-five.

SECT. 2. This act shall take effect from and after its approval by the governor. [Approved February 24, 1865.]

AN ACT to increase the salary of the judge and register of probate for the county of Aroostook.

SECT. 1. From and after the thirty-first day of March, eighteen hundred sixty-five, the salary of the judge and register of probate for the county of Aroostook, shall be three hundred dollars each, instead of the sums now allowed by law.

SECT. 2. This act shall be in force from and after its approval by the governor. [Approved February 24, 1865.]

AN ACT to simplify indictments for perjury.

SECT. 1. Indictments against persons for committing perjury before any court or tribunal drawn substantially as hereinafter provided, shall be deemed sufficient in law, viz:

STATE OF MAINE.

——, ss. At the supreme judicial court begun and holden at , in and for said county of , on the Tuesday of , in the year of our Lord one thousand eight hundred and . The jurors for said state, upon their oath present, that A B of , in the county of , (addition,) at , in the county of , on the day of , in the year of our Lord one thousand eight hundred and , appeared as a witness in a proceeding in which C D and E F were parties, then and there being heard before a tribunal of competent jurisdiction, and committed the crime of perjury, by testifying as follows: (here set out the matter sworn to and alleged to be false,) which said testimony was material to the issue then and there pending in said proceeding;—against the peace of said state and contrary to the form of the statute in such case made and provided. ——, Foreman.

——, County Attorney.

SECT. 2. All indictments against persons for committing perjury in swearing or affirming to any material matter in any complaint or other writing in relation to which an oath or affirmation is authorized by law, shall be deemed sufficient in law, when drawn substantially as follows:

STATE OF MAINE.

——, ss. At the supreme judicial court begun and holden at , in and for said county of , on the day of , in the year of our Lord one thousand eight hundred and . The jurors for said state, upon their oath present, that A B of , in the county of , (addition,) at , in the county of , on the day of , in the year of our Lord one thousand eight hundred and , before G H, esquire, then and there having competent authority to administer oaths, committed the crime of perjury by falsely swearing (or affirming) to material matter in a writing signed by the said A B, and dated the day of , A. D., 18 ; against the peace of said state, and contrary to the form of the statute in such case made and provided.

——, County Attorney. ——, Foreman.

[Approved February 24, 1865.]

AN ACT to increase the salary and duties of the state librarian.

SECT. 1. Section twelve of chapter twenty-five of the public laws of eighteen hundred and sixty-one is hereby amended by striking out the word "six" and inserting instead thereof the word *ten* and by adding to the end of said section the words following, viz: *and the librarian shall employ his leisure time in preparing an index of the public documents of the state.*

SECT. 2. This act shall take effect upon its approval. [Approved February 24, 1865.]

AN ACT additional to chapter one hundred and forty of the revised statutes, relating to the state prison.

SECT. 1. If any person not standing in the relation of husband or wife, parent or child to the principal offender, shall conceal, harbor, or in any way aid any convict, knowing him to be such, who shall have escaped from the state prison, or shall furnish such convict any food, clothing, weapon, matches, or any article whatever, or information that would aid such convict to escape recapture, he shall be punished by imprisonment in the state prison for a term of time not more than the whole time for which the convict was sentenced, or by fine not exceeding five hundred dollars.

SECT. 2. If any convict has violated or shall violate section thirty-two of chapter one hundred and forty of the revised statutes, either by assaulting an officer or other person employed in the government of the prison or by escaping or attempting to escape therefrom, the warden shall certify the fact to the county attorney for the county of Knox who shall prosecute said convict, that he may be punished in accordance with section thirty-two of the chapter to which this is additional.

SECT. 3. The inspectors, with the approval of the governor and council, may fix anew or regulate from time to time, the compensation of the various officers of the prison whenever they shall deem it advantageous to the State to do so.

SECT. 4. This act shall take effect when approved by the governor. [Approved February 25, 1865.]

AN ACT requiring notaries public to pay a duty to the state.

SECT. 1. No person appointed to the office of notary public shall enter upon the discharge of his duties until he has paid to the treasurer of state, or of his county, the sum of five dollars.

SECT. 2. Each county treasurer shall account to the state for all sums received by him under the provisions of this act, in the same manner as he is required to account for duties received under the provisions of chapter one hundred and fourteen of the revised statutes.

SECT. 3. This act shall take effect when approved by the governor. [Approved February 25, 1865.]

AN ACT relating to bounties.

SECT. 1. Authority is hereby conferred upon cities, towns and plantations, to raise money and pay bounties or other aid to persons entering the military or naval service of the United States, upon their quotas under any call hereafter made by the president of the United States.

SECT. 2. No such bounty shall exceed the sum of three hundred dollars for the first year the person so entering shall be mustered or drafted for, and one hundred dollars for each additional year, not exceeding three years; all acts of cities, towns and plantations granting any excess of this sum shall be utterly void as to such excess.

SECT. 3. This act shall take effect upon its approval. [Approved February 25, 1865.]

AN ACT to simplify indictments in capital cases.

SECT 1. In any indictment for murder or manslaughter, it

shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient in every indictment for murder to charge that the defendant did feloniously, willfully and of his malice aforethought, kill and murder the deceased; and it shall be sufficient in every indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased.

SECT. 2. This act shall take effect when approved.

[Approved February 25, 1865.]

AN ACT additional to chapter seventy-three of the revised statutes, concerning conveyances by deed, etc.

SECT. 1. If any person having any deed or other evidence of title of any real estate not recorded, shall, upon a tender to such person of the requisite fees, or a deposit of the same with the register, neglect to record such deed or other evidence of title, or refuse to allow the same to be recorded, for the space of thirty days after having personal notice served upon him in writing by any person having an interest in such estate, any justice of the supreme judicial court, in term time, or during vacation, upon complaint thereof, may issue his order and cause such grantee or his heirs to be brought before him for examination, and if sufficient cause for such neglect or refusal is not shown, may order such deed or other evidence of title to be recorded and payment of costs.

SECT. 2. This act shall take effect upon its approval.

[Approved February 25, 1865.]

AN ACT to provide support for the families of soldiers.

SECT. 1. The cities, towns and plantations in this state shall raise money, by taxation or otherwise, to be applied to aid in the support of the wife and dependent widowed mother, and children under the age of eleven years, being inhabitants of such city, town or plantation, of any soldier, sailor, or marine, who may be actually in the military or naval service of the United States or of this state, in any recognized company, battalion or regiment of the United States or of this state, or on board of any armed vessel of the United States during the present rebellion, who has been mustered in for a period of service of not less than ninety days; the money so raised to be expended under the direction of the municipal authorities of said cities, towns and plantations, as herein prescribed.—There shall be paid in money the sum of seventy-five cents per week for a wife and dependent widowed mother, and fifty cents per week for each child of such soldier, sailor or marine under the age of eleven years; *provided, however*, that no person shall be paid this aid for more than one month prior to the time of making application, and no application shall continue in force longer than to December thirty-first of the year in which it is made; but the beneficiary may at the time of receiving the last payment of any year, give notice that the continuance of the aid will be needed, and such notice shall be deemed equivalent to a new application for the ensuing year, and the sum so paid shall not in any case exceed two dollars and a quarter per week for all the persons thus dependent upon one soldier, sailor or marine; and such aid shall be furnished to such persons as are herein authorized to receive it belonging to the family of any such soldier, sailor or marine killed in battle or by the casualties of war; and such aid may, at the discretion of the municipal authorities, be furnished to the persons herein authorized to receive it, belonging to the family of any such soldier, sailor, or marine who may be discharged from the service in consequence of any disability resulting from the casualties of war, and not from his own fault; or who may be disabled as aforesaid and discharged in consequence of the expiration of the time of service, for a period not exceeding six months after such death or discharge, provided that in case of discharge he shall not sooner recover from such disability.

SECT. 2. The cities, towns and plantations in this state are hereby authorized and empowered to raise any additional sum or sums of money over and above the amount to be reimbursed by the state, by taxation or otherwise, to aid in the support of the dependent family of such soldier, sailor or marine in the service of the United States or of this State, as set forth in the first section of this act, in order to provide such support as may be deemed necessary in cases not met or or adequately provided for by the provisions of this act.

SECT. 3. The money so applied by any city, town or plantation, as authorized by the first section of this act, shall be reimbursed from the state treasury to such city, town or plantation.

SECT. 4. No such reimbursement shall be made in any case, until an account of the expenditures, duly certified and sworn to by a majority of the proper municipal authorities of each city, town and plantation in the state, furnishing the aid as aforesaid, shall be made and filed with the governor and council, which account shall set forth the name of the soldier for whose family expense has been incurred; also the name and age of each person who received aid, and the sum paid for each of said persons. Accounts thus made out and filed within the time hereinafter prescribed, shall be examined by the governor and council, and if found correct and duly vouched, shall be approved.

SECT. 5. Such accounts shall be made up to the first day of January in each year, and shall be filed with the governor and council on or before the first day of February following, and shall be examined and passed upon on or before the first day of May annually. If approved, the amount allowed shall be paid by the state treasurer to the city, town or plantation whose claim has thus been established.

SECT. 6. The provisions of this act shall be so construed, that for any aid furnished to relieve persons destitute exceeding the amount to be reimbursed by the state, payment may be recovered of the town where such persons have their legal settlement, upon the conditions and with the limitations expressed in section twenty-four of chapter twenty-four of the revised statutes. *Provided*, that no pauper disabilities shall be created, and no settlement shall be affected by any aid or supplies which could be furnished under the provisions of this act.

SECT. 7. The word plantation, when it occurs in this act, is intended to include plantations duly organized for election purposes.—And any person entitled to the aid provided for in this act, who may reside in any unorganized plantation in this state, shall receive it in the nearest duly organized city, town or plantation in this state.

SECT. 8. This act shall not authorize reimbursing money applied to aid the wife, child or parent as aforesaid, of any commissioned officer in the military or naval service as aforesaid, or money applied to aid the family of any soldier, sailor or marine who may desert the service, after notice of such desertion shall be received by the city, town or plantation of his residence.

SECT. 9. The governor and council shall have power to send for persons and papers in order to ascertain the amount due to each city, town and plantation under this act.

SECT. 10. If any city, town or plantation, or the municipal officers thereof, shall neglect or refuse to comply with the provisions, of this act, according to its true intent and meaning, and to the satisfaction of the governor and council, such city, town or plantation, or the municipal officers thereof, as the case may be, shall forfeit and pay the sum of one hundred dollars, one-half to the use of the aggrieved party and one-half to the county where the cause is tried, to be recovered by indictment in any court proper to try the same.

SECT. 11. Any one of the persons named in the first section of this act, as entitled to aid, who shall be temporarily absent from the state or town without abandoning residence therein, shall receive the aid herein specified, provided application shall be made therefor to the municipal officers of the city, town or plantation of their residence.

SECT. 12. It shall be the duty of the adjutant general to give notice in all cases of desertions, to the several cities, towns or plantations of the state, of each soldier, sailor or marine residing therein, and also in all cases of return from desertion, and also when any non-commissioned officer or private shall be promoted to the rank of a commissioned officer, as soon as he shall receive the knowledge of such promotion, such notice being in each case a simple statement of the fact.

SECT. 13. The Secretary of state shall furnish an attested copy of this act to the municipal officers of the several cities, towns and plantations of the state, within twenty days after its approval by the governor.

SECT. 14. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect and be in force from and after the first day of April, in the year of our Lord one thousand eight hundred and sixty-five. [Approved February 25, 1865.]

AN ACT to amend chapter one hundred and forty-two of the revised statutes, relating to the reform school.

SECT. 1. Chapter one hundred forty-two of the revised statutes is hereby amended by striking out all of the first section, and inserting the following as a new section thereof: "The government of the state reform school, established for the instruction, employment, and reform of juvenile offenders, in the town of Cape Elizabeth, in the county of Cumberland, shall be vested in a board of five trustees, who shall be appointed by the governor, with the advice of the council, and commissioned to hold their offices during the pleasure of the governor and council, but not more than four years under one appointment. They shall be allowed ten cents a mile for their actual travel each way, and two dollars a day for their services when actually employed, and shall take charge of the general interests of the institution; see that its affairs are conducted in accordance with the requirements of the legislature, and of such by laws as the board from time to time adopt for the orderly and economical management of its concerns; see that proper discipline is maintained therein; provide employment for the inmates, and bind them out; discharge or remand them as is hereinafter provided; appoint a superintendent subject to the approval of and during the pleasure of the governor and council, and appoint such other officers as in their judgment the wants of the institution require; prescribe the duties of all the officers thereof, exercise a vigilant supervision over its concerns; remove its subordinate officers at pleasure, and appoint others in their stead; determine the compensation to be allowed them, subject to the approval of the governor and council, and prepare and submit to the inspection of the governor and council a code of by-laws which shall be valid when sanctioned by them." [Approved February 25, 1865.]

AN ACT additional to chapter eighty-one of the revised statutes, relating to civil actions.

SECT. 1. Any defendant, or any one or more of several defendants, whose real estate or interest therein or whose personal property, is attached on mesne process, may have the same released from such attachment by giving the security authorized by this act.

SECT. 2. If real estate or any interest therein, is attached, he or they may apply to any justice of the supreme judicial court, in term time or vacation, by petition, in writing, briefly setting forth the names of the parties to the suit, the court and county in which the same is returnable or pending, the fact of the attachment, the particular real estate, or interest therein, which he or they desire to have released therefrom, the value of the same, and that the petitioners desire to have the benefit of this act by giving the security herein provided.

SECT. 3. Such justice shall issue a notice in writing which shall be served on all the persons living in the state who are parties to the suit, and also upon the attorney of the plaintiff, not less than ten days before the time therein appointed for hearing the parties.

SECT. 4. If it shall appear upon the hearing that the real estate or interest therein, described in the petition, is of equal or greater value than the amount of property directed to be attached in the writ, the justice shall direct the party petitioning to give bond to the plaintiff in such sum, and with such sureties as he may order, with condition that the judgment which the plaintiff may recover, in the suit, and his costs on the petition, shall be paid within thirty days after such recovery. If it shall appear that such real estate, or interest therein, is of less value than the amount directed to be attached, the condition of the bond shall be varied so as to require that a sum equal in amount to the value thereof as found by the justice, shall be paid on such judgment, together with the costs on the petition as aforesaid, within thirty days after the recovery thereof.

SECT. 5. The petition and proceedings thereon shall be filed in the office of the clerk of the court in which the suit is returnable or pending, and shall be recorded as part of the case; and the bond required by the justice, when approved by him in writing, shall also be filed in said office for the use of the plaintiff.

SECT. 6. The clerk of the court shall deliver to the party petitioning as aforesaid, an attested copy of the petition and proceedings, with an official certificate attached thereto under the seal of the court, that the bond required therein, has been duly filed in said clerk's office; and said copy and certificate, being recorded in the registry of deeds for the county in which the real estate, or interest therein, described in the petition, is situate, shall vacate the attachment thereof.

SECT. 7. When personal property is attached, and actual possession thereof taken by the attaching officer, the same proceedings shall be had as are above authorized, with the additional provision that the officer making the attachment shall also be notified as required by section three. And the attested copy and certificate thereto attached, authorized by section six, when delivered to such officer by the party petitioning, shall vacate the attachment, and the officer shall return the property to such party on demand therefor.

SECT. 8. When stock or shares in a banking or other corporation are attached, or personal property, which, by reason of its bulk or other special cause, cannot be immediately removed, and such attachment is duly filed with the clerk, cashier or treasurer of such corporation, or with the clerk of the town, as the case may be, under the provisions of chapter eighty-one aforesaid, the proceedings shall be the same as are authorized by the last section, except that the copy and certificate shall be filed with the clerk, cashier or treasurer of the corporation, or with the clerk of the town, as the case may be, with whom the attachment was filed; and when so filed shall vacate such attachment.

SECT. 9. In cases of attachment under the trustee process, any one or more of the principal defendants whose property is thus attached, may have the benefit of this act, and the proceedings shall be the same as provided in sections two, three, four and five, except that the condition of the bond to be given to the plaintiff shall require the party giving it to pay the amount for which the court shall finally adjudge the trustee or trustees chargeable, if any, on the judgment which the plaintiff may recover, not, however, exceeding the amount of such judgment, together with the plaintiff's costs on the petition, within thirty days after the recovery thereof. The notice required in section three shall also be given to each of the alleged trustees named in the petition, and such trustee may appear before the justice and be heard, if he deems it necessary. And the justice shall require the party petitioning to give bond to each supposed trustee named in the petition, with such sureties as he may order, and in a sum sufficient to protect him against any judgment which the plaintiff may recover against him, and which he shall have paid, and also sufficient to cover all legal costs of such supposed trustee in the suit, together with the cost allowed him by the justice at the hearing of the petition, if he appears and such bond shall be approved by the justice and filed in the clerk's office for the benefit of such trustee. And the copy and certificate authorized in section six, when delivered to the trustee or trustees, shall vacate the attachment of all goods, effects and credits of the party petitioning, in the hands or possession of such trustee or trustees.

SECT. 10. The clerk of the court shall be paid two dollars for recording the petition and proceedings, and making the copy thereof and certificate provided by section six; and the register of deeds shall receive seventy-five cents for recording the same. When required to be filed, as provided in the last section, the clerk or officer receiving the same shall receive twenty cents for such filing and the necessary certificate thereof. And the party finally prevailing in the suit shall recover the costs of the proceedings herein authorized, to be taxed in the same manner as other costs of court are taxed, and to be certified by the justice hearing the petition, and execution shall issue therefor accordingly.

SECT. 11. This act shall take effect when approved.

[Approved February 25, 1865.]

AN ACT to change the place of holding the supreme judicial court in the county of Somerset and to change the shire town of Somerset county.

SECT. 1. The several terms of the supreme judicial court which are now required to be holden at Norridgewock, in and for the county of Somerset, shall, after the first day of November in the present year, be holden at Skowhegan, in said county; and all writs, process of any kind, and all proceedings, shall, after that time, be made returnable accordingly; and all writs, processes and proceedings commenced prior to that time and which would otherwise be returnable to the December term of said court at Norridgewock, shall be entered and have day in said court at Skowhegan.

SECT. 2. After the expiration of seven years from the passage of this act, the county commissioners of the county of Somerset, or a majority of them, are hereby authorized and empowered to cause a court house to be erected at Skowhegan, suitable for the accommodation of the courts of said county, and to procure a loan of money for that purpose, and assess taxes for the payment of the same in such amounts, and at such times, as in their judgment shall best accord with the interests and wishes of the citizens of said county. And said commissioners or a majority of them, shall determine, after said seven years have expired and not before, at what time according to the interests and wishes of said citizens, the construction of said court house shall be commenced, not, however, to exceed twenty years.

SECT. 3. The previous sections of this act shall be wholly void and of no effect, unless the town of Skowhegan aforesaid shall on or before the first day of November, in the present year, without expense to said county of Somerset, provide a suitable court room and other accommodations for the said court and officers, and also a safe and convenient place in said town of Skowhegan, wherein to secure persons charged with crimes or offences during each session of said court to be held as aforesaid, to the acceptance of a majority of said county commissioners, and shall execute and deliver to them a good and sufficient lease, or other instrument to secure the use thereof to said county for the purpose aforesaid, during such time as said court shall be held at said Skowhegan, and until suitable buildings for the accommodation of the courts are erected as before provided.

SECT. 4. Before the expiration of the seven years aforesaid, the town of Skowhegan shall convey to said county of Somerset a convenient and commodious lot of land, situate in the village of Skowhegan, and suitable for the erection thereon of the buildings aforesaid, and satisfactory to a majority of the county commissioners, which shall remain the property of said county so long as said buildings shall be occupied for the purposes aforesaid; and if they neglect so to do, this act shall become null and void.

SECT. 5. The county commissioners aforesaid, shall on or before the tenth day of November next, cause notice of the fact that the town of Skowhegan has provided a suitable court room and all other things required by the third section of this act, to be published in all the public newspapers printed in said county, and also in the Lewiston Daily Journal, and in the Kennebec Journal or other state paper, printed at Augusta, the first publication to be made between the first and tenth days of November aforesaid, and to be continued in all the daily and weekly issues of each of said papers for three weeks successively thereafter.

SECT. 6. The inhabitants of Skowhegan are hereby authorized to raise money for the purposes named in this act. Taxes, therefor, may be assessed at such times, and in such amounts, as they may vote.

SECT. 7. If the inhabitants of Skowhegan shall, at any time before the erection and completion of suitable county buildings, neglect or refuse to provide a suitable court room and all other things required by section three, then this act shall be void, and wholly cease to be of any further effect.

SECT. 8. Whenever suitable buildings shall have been erected as authorized by section two of this act, the county commissioners, or a majority of them, shall make known the fact by publishing notice in the same newspapers and for the same length of time as above required; and said commissioners shall cause the records in all the county offices, including the registry of deeds, registry of probate, the records of the court of county commissioners, and all the records and files of the former court of common pleas, of the late district court, and of the supreme judicial court, to be removed to the places prepared for them in the county buildings at Skowhegan; and all of said courts shall thereafter be held at Skowhegan, which shall from that time forward be the shire town of the county

SECT. 9. Until such removal, the office of the clerk of the courts except during term time, and the registry of deeds, and of probate shall be and remain at Norridgewock as now by law provided.

SECT. 10. The legal voters of said county of Somerset, shall at the annual election of state and county officers, to be held in September, eighteen hundred sixty-five, within their several towns and plantations, give in their ballots for or against the change of the place of holding the supreme judicial court in said county, and of changing the shire town of said county as hereinbefore provided; and all those voters in favor of changing the shire town and place of holding said court, as provided in this bill, shall give in their ballots with the word "yes" written or printed thereon; and those opposed, with the word "no" written or printed thereon; and the same shall be received, sorted, counted and returned in the same manner as votes for county officers; and the governor shall immediately after the same shall have been counted, make proclamation of the result, and cause the same to be published in the several papers published in said county of Somerset, three weeks successively, after the first publication thereof; and if it shall appear that the majority of such ballots shall have written or printed thereon the word *no*, then this act shall be null and void.

SECT. 11. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECT. 12. This act shall take effect when approved by the governor. [Approved February 25, 1865.]

AN ACT to amend chapter two hundred forty-four of the public laws of eighteen hundred sixty-four, relating to the registration of births, marriages and deaths.

SECT. 1. The clerk of every city, town and plantation in this state shall record in a book kept for that purpose, the births, marriages and deaths occurring in their respective cities and towns, and shall on or before the second Monday of May, annually, make duly certified returns thereof to the secretary of state for each year ending with the last day of March.

SECT. 2. It shall be the duty of the secretary of state to receive such returns and file them in his office.

SECT. 3 Every person authorized by law to unite persons in marriage, shall make a record of each marriage solemnized before him, and annually, on or before the fifteenth day of April, deliver to the clerk of the city, town or plantation in which such rite was performed, a copy of such record for the year ending the last day of March.

SECT. 4. It shall be the duty of the assessors of the several cities, towns and plantations in this state, annually while taking the inventory of polls and estates in the month of April, to ascertain by inquiry the births and deaths occurring during each year ending the last day of March, and make return thereof to the clerks of their respective cities, towns and plantations on or before the last day of April annually.

SECT. 5. If any person shall wilfully neglect to perform any of the duties imposed on or required of him by the provisions of this act, he shall, on conviction thereof, be fined not exceeding ten dollars for each offence, one-half thereof to the use of the city, town or plantation in which such offence shall occur, the other half to the use of the person who shall prosecute the same.

SECT. 6. All acts and parts of acts inconsistent with this act hereby repealed. [Approved February 25, 1865.]